

venting the shipment of immature calves; to the Committee on Interstate and Foreign Commerce.

Also, petition of F. A. Miller, Riverside, Cal.; E. G. Hunt, Pasadena, Cal.; and the Foothill Study Club, Saratoga, Cal., favoring the passage of the bill preventing the importation of plumes and feathers of wild birds for commercial use; to the Committee on Ways and Means.

Also, petition of J. H. Humphreys and 7 other citizens of California, protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of A. C. Rulopson, the Lodi (Cal.) Merchants' Association, and others of California, favoring the passage of a 1-cent letter postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of H. A. Logan, Norwalk, Cal., and 3 other citizens of California, protesting against the reduction of the tariff on sugar; to the Committee on Ways and Means.

Also, petition of F. A. Hilen, Santa Cruz, Cal., favoring the passage of legislation for the creation of Mount Shasta, Cal., as a national park; to the Committee on Public Buildings and Grounds.

By Mr. HINDS: Petition of the Maine State Federation of Labor, protesting against reduction of the duty on paper; to the Committee on Ways and Means.

Also, papers to accompany bill for the relief of Maria E. Tilton, of Kittery, Me.; to the Committee on Invalid Pensions.

Also, papers to accompany bill for pensions for Annie Cantara, of Biddeford, Me.; to the Committee on Pensions.

By Mr. KAHN: Petition of the public buildings committee of the Civic League of Improvement Clubs, of San Francisco, Cal., favoring the erection of new buildings at the Golden Gate Life-Saving Station; to the Committee on Appropriations.

By Mr. KIESS of Pennsylvania: Evidence in support of House bill 5915 for the relief of Charles R. Taylor; to the Committee on Invalid Pensions.

By Mr. KINKEAD of New Jersey: Petition of the John H. Doremus Co., of Passaic, N. J., protesting against the inclusion of commercial organizations in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Board of Health of the State of New Jersey, favoring the establishment of a committee on public health in the House of Representatives; to the Committee on Rules.

By Mr. MCCOY: Petition of the Board of Street and Water Commissioners of the city of Newark, N. J., protesting against the abandonment of the city of Newark as an independent customs port; to the Committee on Ways and Means.

By Mr. MCGILLICUDDY: Petition of the Maine State Federation of Labor, protesting against any reduction in the tariff on pulp or paper; to the Committee on Ways and Means.

By Mr. PALMER: Petition of sundry citizens of Philadelphia, Pa., favoring building a memorial bridge across the Delaware River between Philadelphia and Camden; to the Committee on Rivers and Harbors.

By Mr. PETERS: Petitions of sundry citizens of Boston, favoring the repeal of the clause in the Panama Canal act exempting American vessels from the payment of tolls; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Idaho: Papers to accompany bill (H. R. 1698) to provide for an enlarged homestead; to the Committee on the Public Lands.

By Mr. TUTTLE: Petition of the Board of Street and Water Commissioners of the city of Newark, N. J., protesting against the abandonment of the city of Newark as an independent customs port; to the Committee on Ways and Means.

By Mr. UNDERHILL: Petition of the National Woman's Christian Temperance Union, favoring the passage of the Sims amendment to the bill (H. R. 27876) relative to keeping the gates of the Panama Exposition closed on Sunday; to the Committee on Industrial Arts and Expositions.

By Mr. WALLIN: Petition of sundry residents of the thirtieth New York district, protesting against mutual life insurance funds in income-tax bill; to the Committee on Ways and Means.

Also, petition of the National Broom Manufacturers' Association, protesting against the reduction of the tariff on brooms; to the Committee on Ways and Means.

Also, petition of the Albany (N. Y.) Society of Engineers, favoring the deepening of the Hudson River to 27 feet as far as the Troy Dam; to the Committee on Rivers and Harbors.

By Mr. YOUNG of North Dakota: Petition of S. A. Johnson, of Bantry, N. Dak., protesting against the passage of bill (H. R. 4653) relating to the sale of patent medicines; to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, June 13, 1913.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The VICE PRESIDENT resumed the chair.

THE JOURNAL.

The VICE PRESIDENT. The Secretary will read the Journal of the preceding session.

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fall	Martin, Va.	Sheppard
Bacon	Fletcher	Myers	Sherman
Bankhead	Gallinger	Nelson	Shively
Brady	Gronna	Newlands	Simmons
Bristow	Hitchcock	Norris	Smith, Ga.
Bryan	Hollis	Overman	Smoot
Burton	Hughes	Owen	Sterling
Cañon	James	Page	Stone
Chamberlain	Johnston, Ala.	Penrose	Sutherland
Chilton	Jones	Perkins	Thomas
Clapp	Kern	Pittman	Thompson
Clark, Wyo.	La Follette	Reed	Thornton
Crawford	Lane	Robinson	Townsend
Cummins	Lea	Root	Walsh
Dillingham	Lewis	Saulsbury	Williams
du Pont	McCumber	Shafer	Works

Mr. THORNTON. I desire to announce that the junior Senator from Louisiana [Mr. RANDELL] is absent on account of sickness.

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is absent from the city on important business. He is paired with the junior Senator from Missouri [Mr. REED]. I desire to have this announcement stand for all votes to-day.

Mr. CLARK of Wyoming. I desire to announce that my colleague [Mr. WARREN] has been called from the city on important public business, and that he is paired generally with the Senator from Florida [Mr. FLETCHER].

Mr. GALLINGER. I wish to announce the enforced absence of the junior Senator from Maine [Mr. BURLEIGH] by reason of prolonged illness.

Mr. LEWIS. I desire to announce the absence of the Senator from South Carolina [Mr. TILLMAN] on imperative business.

Mr. LEA. I desire to have the absence on important public business of the junior Senator from Tennessee [Mr. SHIELDS] noted.

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. A quorum is present. The Secretary will read the Journal of the proceedings of the preceding session.

The Secretary proceeded to read the Journal of the proceedings of Tuesday last.

Mr. SIMMONS. I move that the further reading of the Journal be dispensed with.

Mr. GALLINGER. That can only be done by unanimous consent.

The VICE PRESIDENT. Is there objection?

Mr. JONES. I object.

The VICE PRESIDENT. The Senator from Washington objects, and the Secretary will read the Journal.

The Secretary resumed the reading of the Journal, and was interrupted by

Mr. JONES. I understand that the Senator from Missouri [Mr. STONE] is anxious to take up the Indian appropriation bill. So I will withdraw my objection to dispensing with the reading of the Journal.

The VICE PRESIDENT. Is there objection to dispensing with the further reading of the Journal? The Chair hears none. Without objection, the Journal will stand approved.

TUBERCULOSIS CURES (S. DOC. NO. 102).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 6th instant, certain reports and documentary information regarding so-called tuberculosis cures which have been given wide publicity, etc., which, with the accompanying papers, was referred to the Committee on Public Health and National Quarantine and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of findings of fact and conclusions filed by the court in the following causes:

Ethelbert Barrett, administrator of the estate of M. W. Garrison, deceased, v. United States (S. Doc. No. 106);

J. T. Robertson, administrator of estate of John McNulty, deceased, *v. United States* (S. Doc. No. 105); and

Elizabeth Snyder, administratrix of Sampson Snyder, deceased, and Hoy Cooper, administrator of John Snyder, deceased, *v. United States* (S. Doc. No. 104).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. NELSON. I present a joint memorial of the Legislature of Minnesota, which I ask may be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the joint memorial was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

House joint memorial 1023.

Whereas there is a very strong general sentiment in favor of the suppression of the gigantic monopoly now exercised by the Standard Oil Co. of Whiting, Ind.; and

Whereas the said company has to-day absolute control of the Nation's if not the world's output and supply of crude oil, gasoline, and petroleum, and the said company has unlimited and unrestrained power to dictate the market prices of the said commodities, and by virtue of its unlimited and unrestrained powers does wrongfully and unlawfully and without any justification increase the market and selling prices of said commodities, which results in great injury to the consumers; and

Whereas the said company is wrongfully and unlawfully discriminating against States and selling the said commodities cheaper in some States and localities than others, without regard to the difference of the cost of transportation and selling; and

Whereas by reason of the rapid progress made in motive power the said products—crude oil, gasoline, and petroleum—have become a common necessity in every profession and vocation of life everywhere; and

Whereas the said Standard Oil Co. has absorbed nearly all like competing industries; and

Whereas it is impossible for private capital to cope with or curb this gigantic and unjust monopoly: Therefore be it

Resolved (the senate concurring), That Congress be, and is hereby, requested to enact a law providing for Government ownership and control of oil-producing industries sufficient to control prices and break the gigantic and unjust monopoly now existing; and be it further

Resolved, That the legislatures of all other States of the United States now in session or when next convened be, and they are hereby, respectfully requested to join in this request by the adoption of this or an equivalent resolution; and be it further

Resolved, That the secretary of state be, and hereby is, directed to transmit copies of this resolution to the Senate and House of Representatives of the United States and to the several Members of said body representing this State therein, and also to transmit copies to the legislatures of all States of the United States.

Mr. GALLINGER presented petitions of William L. Finley, State game warden of Portland, Oreg.; Herbert R. Mills, M. D., of Tampa, Fla.; Francis S. Dane, of Lexington, Mass.; Lilius S. Edwards, of Sanbornville, N. H.; Clarabel Gilman, of Jamaica Plain, Mass.; Elizabeth Richardson and Charles F. Richardson, of Sugar Hill, N. H.; Louisa Holt, of West Summit, N. J.; Harry W. Althouse, of Pottsville, Pa.; Helen Willard, of Brookline, Mass.; Willard Van Name, of Albany, N. Y.; Theodore O. Hamlin, of Rochester, N. Y.; Jesse A. Tolerton, game and fish commissioner, of Jefferson, Mo.; S. McG. Pierce, of Boston, Mass.; Dr. and Mrs. T. M. Dillingham, of Marlboro, N. H.; M. H. Hoover, chief of publication New York Conservation Commission; George M. Warner, of Philadelphia, Pa.; William Edward Coffin, of New York; C. E. Flenner, secretary-treasurer Illinois Electric Railways Association, of Wheaton, Ill.; P. T. Jackson, jr., treasurer Bay State Cotton Corporation, of Boston, Mass.; Edward Bowditch, of Albany, N. Y.; W. I. Ewart, of Seattle, Wash.; Helen M. Merriman, of Intervale, N. H.; W. Hinckle Smith, of Philadelphia, Pa.; W. S. Cady, Wesleyan University, of Middletown, Conn.; Dr. L. Duncan Bulkley and H. E. A. Gibbs, of New York; Mrs. A. J. Spalter, of Winchendon, Mass.; M. B. Banks, of Westport, Conn.; R. Erbsloh, of New York; Sarah J. Eddy, of Bristol, R. I.; James J. Putnam, of Boston, Mass.; A. B. Bates, of New York; C. R. Blackall, of Philadelphia, Pa.; Alice Vanderbilt Morris, of New York; George W. Hager, of Marlboro, Mass.; C. W. Trainer, of Boston, Mass.; Fred C. Church, of Lowell, Mass.; Dorothy Temple, of North Hampton, N. H.; Alfred Wagstaff, president of the American Society for the Prevention of Cruelty to Animals, of New York; Isabella Winslow and Maria L. C. Winslow, of Middleboro, Mass.; Marshall McLean, of New York; students of Washington Irving High School, of New York; Mrs. Oscar Oldberg, of Pasadena, Cal.; Mrs. R. D. Crain, of Winchendon, Mass.; Henry W. Osgood, of Pittsfield, N. H.; Woman's Club of Richmond, Va.; John W. Draper, of New York; Sidney V. Lowell, of New York; Albert H. Wallace, of Montclair, N. J.; Mrs. Frank H. Goler, of Rochester, N. Y.; Edna L. Johnston, of Manchester, N. H.; Edward R. Williams, of Boston, Mass.; Alice M. Wood, of Muskegon, Mich.; S. W. Wellington, of East

Hartford, Conn.; George S. Bowdoin, Julia G. Bowdoin, and Edith G. Bowdoin, of New York; E. R. Lyman, of Philadelphia, Pa.; Joseph W. L. Jones, of Tiffin, Ohio; Elizabeth Bigelow, of Colchester, Conn.; Henry Justice, of Philadelphia, Pa.; Arthur Malcolm, of Philadelphia, Pa.; Henry G. Seaver, of Brooklyn, N. Y.; G. Langmann, I. G. Langmann, H. W. Langmann, and H. C. Kudline, of New York; E. C. Frank, of Glendale, Cal.; William A. Hamann, of New York; William C. Adams, of Boston, Mass.; Anna Custer, of Manchester, N. H.; Mrs. L. C. Christopher, of Manchester, N. H.; Helen Mansfield, of Gloucester, Mass.; A. R. Shattuck, of New York; Job Barnard, of Washington, D. C.; E. M. Clark, of Morristown, N. J.; Adelbert J. Smith, of New York; Effie L. Tufts, of Exeter, N. H.; Edith Timmerman, of Hamlin, N. Y.; Emily B. Adams, of Springfield, Mass.; Walter McDougall, of New York; Emily G. Hunt, Ella M. Hunt, and Elizabeth W. Hunt, of Pasadena, Cal.; J. H. Child, of Boston, Mass.; Eleanor Mellen, of Boston, Mass.; Helen J. Wolf, of Cincinnati, Ohio; Elizabeth I. Cummins, of Wheeling, W. Va.; K. Adams Wells, of Wheaton, Ill.; Mrs. Orville H. Platt, of Washington, Conn.; Alice C. Gilbert, of Walpole, N. H.; C. S. Brown, of New York; Mrs. James Speyer, of New York; Margaret Eaton Brown, of Pittsburgh, Pa.; Mrs. Abba D. Chamberlin, of Pomfret, Vt.; Eugene Swope, of Cincinnati, Ohio; E. J. Boyle, of Boston, Mass.; Ruthven Deane, of Chicago, Ill.; Emily W. Lyson, of South Berwick, Me.; Victoria E. Tonkonogy, of New York; Emma J. Welty, of Portland, Oreg.; G. A. Jones, of New York; Mrs. Cora D. Berlin, of Wibleton, N. Dak.; of the Bird Lovers' Club of Brooklyn, N. Y.; Helen Clapp, of Charlestown, N. H.; and Mary C. Yarrow, of Philadelphia, Pa., praying for the adoption of the clause in Schedule N of the pending tariff bill prohibiting the importation of the plumage of certain wild birds, which were referred to the Committee on Finance.

He also presented petitions of H. Baker, of Aurora, Ill.; Hubard M. Wright, of Walpole, N. H.; Samuel W. Cole, of Brookline, Mass.; Plimpton, Cowan & Co., of Buffalo, N. Y.; H. Planten & Co., of Brooklyn, N. Y.; L. A. Tworoger, of Laconia, N. H.; the Crocker Grocery Co., of Wilkes-Barre, Pa.; the J. R. Watkins Medical Co., of Winona, Minn.; the Keokuk Industrial Association, of Keokuk, Iowa; the Roddewig Schmidt Candy Co., of Davenport, Iowa; M. A. Newmark & Co., of Los Angeles, Cal.; the Omega Chemical Co., of New York; and the American Specialty Manufacturers' Association, of New York, praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

Mr. McLEAN presented petitions of sundry citizens of Bridgeport, Mount Carmel, and Bethel, all in the State of Connecticut, praying for the exemption of mutual life insurance companies from the operations of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

Mr. PERKINS presented a resolution adopted by the Board of Trade of Pasadena, Cal., favoring the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Calaveras-Alpine Live Stock Association of California, remonstrating against the transfer of the control of the national forests to the several States, which was referred to the Committee on the Conservation of National Resources.

WOMAN SUFFRAGE.

Mr. ASHURST. From the Committee on Woman Suffrage I report back favorably without amendment the joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States extending the right of suffrage to women. I present a report upon this exceedingly important subject, and I ask that the same be printed in the RECORD.

The VICE PRESIDENT. The joint resolution will be placed on the calendar, and, without objection, the report will be printed in the RECORD.

The report (S. Rept. No. 64) this day submitted by Mr. ASHURST is as follows:

WOMAN SUFFRAGE.

Mr. ASHURST, from the Committee on Woman Suffrage, submitted the following report, to accompany Senate joint resolution 1:

The Senate Committee on Woman Suffrage, having under consideration Senate joint resolution No. 1, introduced by Mr. CHAMBERLAIN, to wit:

Joint resolution proposing an amendment to the Constitution of the United States extending the right of suffrage to women.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the

United States, which, when ratified by three-fourths of the said legislatures, shall be valid as part of said Constitution, namely:

ARTICLE —

"SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

"SEC. 2. The Congress shall have power, by appropriate legislation, to enforce the provisions of this article."

By direction of a majority of the committee the resolution is reported favorably and with the recommendation that it do pass. The question of granting to women the elective franchise being one of far-reaching consequences and vast importance, involving the political rights of one-half of the citizens of the United States, the committee (notwithstanding the able arguments on this subject and exhaustive reports which have been submitted to Congress from time to time since 1866) took the view that a full and complete hearing should be had; whereupon a number of eminent persons addressed the committee in support of and against the resolution.

PROGRESS.

Observant persons will not fail to notice that marked changes in political and social conditions in the United States are now taking place; that the conditions under which we have been living are rapidly changing, and that many, if not most, of the American people now recognize that society and government are dynamic, not static in character. It is not necessary, in the scope of this report, to discuss all the causes of these changes, but it will not be denied that some of the contributing causes thereof are the adoption of improved means of transportation; the ready communication among the people afforded by the telephone, the telegraph, the post offices, and the excellent facilities for obtaining education and the transmission of intelligence afforded by the schools, the newspapers, and the magazines.

Some statesmen, publicists, and editors deplore the fact that we are now living in an age of inquiry, criticism, and searching analysis, but fortunately the country realizes that smug contentment is a corrosive effluent, deadly to the progress, advancement, and happiness of a nation. A people free from the exigencies of life—free from the desire to bring about a betterment of conditions—lose that keen incentive to improvement which adds so much zest, beauty, and grace to life.

History is largely an account of man's struggle for freedom, and from the beginning of the human race down to the present time its tendency has been toward liberty—mankind reaching out for freedom and immeasurably attaining it.

American civil liberty is the fruitage of many centuries of earnest and patriotic endeavor. The preservation of civil liberty will always depend upon the vigilance and zeal of those who love freedom, and if a people do not love liberty well enough to contend for it, if a people prefer turgid quietude to the boisterousness of liberty, they may be sure that the usurpers of power will sooner or later impose tyrannies and despotism upon them.

CONSTITUTIONAL AMENDMENTS.

Only a short time since some of the wisest and most profound citizens of this Republic believed that by reason of the complicated procedure and large majorities required it was difficult, if not impossible, to amend the Constitution of the United States, and some eminent statesmen even urged that strained constructions should be placed upon the Constitution so as to change somewhat the structure of our political system, bring it into conformity with the dynamic conditions of the day, and thus secure needful reforms.

Dacey says of amending the Constitution of the United States:

"The sovereign of the United States has been roused to serious action but once during the course of 90 years. It needed the thunder of the Civil War to break his repose, and it may be doubted whether anything short of impending revolution will ever again rouse him to activity. But a monarch who slumbers for years is like a monarch who does not exist."

Speaking in the Senate of the United States on the 5th day of July, 1900, Hon. H. D. Money, who was a close observer of men and events, a statesman whose memory this Nation reveres, a scholar, thinker, and orator, whose services here added glory and usefulness to this body, said:

"Mr. President, I am one of those who believe that there never will be another amendment to the Constitution of the United States. * * * I do not believe this amendment (income-tax amendment) to the Constitution will ever be a part of it." * * *

But contrary to the opinion which a few years since prevailed among many thinking people, within the past five months two amendments to the Constitution of the United States have been proclaimed, and they were adopted under the procedure which is indisputably complicated and involved. The adoption of these amendments, in addition to the valuable reforms they will bring about, has convinced the American people that our Federal Constitution is a living, breathing, dynamic force that protects persons as well as property, and that it is not a Procrustean bed of fixity incapable of amendments or change.

During the Sixty-second Congress, from December 4, 1911, to December 4, 1912, 21 amendments were proposed to the Constitution of the United States, and the feeling that the Constitution may be amended is not confined to any one political party. To this date, during the Sixty-third Congress, 14 proposals to amend the Constitution of the United States have been introduced in the Senate and 32 proposals in the House of Representatives, demonstrating that the "let-alone," noninterference, careless, laissez faire policy does not meet the demand of the present day.

New occasions teach new duties,
Time makes ancient good uncouth,
They must upward still and onward
Who would keep abreast of truth;
Lo, before us gleam her camp fire;
We ourselves must Pilgrims be,
Launch our Mayflower and steer boldly
Through the desperate winter sea,
Nor attempt the future portals
With the past's blood-rusted key.

But it can not fairly be argued that the proposed constitutional amendment which provides that the rights of citizens of the United States shall not be denied or abridged by the United States or any State, by reason of sex, is a new, "novel," or "radical" movement, for every phase of this subject has been discussed from time to time by many of the ablest minds of the Nation. It has been considered in its relation to the Constitution, and constitutional law bearing upon such polity has been given earnest and careful consideration.

On July 2, 1776, two days before the Declaration of Independence was signed, New Jersey, in her first State constitution, enfranchised the women by changing the words of her provincial charter from "male freeholders worth £50" to "all inhabitants worth £50," and for 81 years the women of that State voted.

Eighty years ago women could not vote anywhere, except to a very limited extent in Sweden and in a few other places in the Old World.

Gains in equal suffrage since 1838.

Time.	Place.	Kind of suffrage.
1838	Kentucky.....	School suffrage to widows with children of school age.
1850	Ontario.....	School suffrage, women married and single.
1861	Kansas.....	School suffrage.
1867	New South Wales.....	Municipal suffrage.
1869	England.....	Municipal suffrage, single women and widows.
	Victoria.....	Municipal suffrage, married and single women.
	Wyoming.....	Full suffrage.
1871	West Australia.....	Municipal suffrage.
1875	Michigan.....	School suffrage.
	Minnesota.....	Do.
1876	Colorado.....	Do.
1877	New Zealand.....	Do.
1878	New Hampshire.....	Do.
	Oregon.....	Do.
1879	Massachusetts.....	Do.
1880	New York.....	Do.
	Vermont.....	Do.
	South Australia.....	Municipal suffrage.
1881	Scotland.....	Municipal suffrage to the single women and widows.
	Isle of Man.....	Parliamentary suffrage.
1883	Nebraska.....	School suffrage.
1884	Ontario.....	Municipal suffrage.
	Tasmania.....	Do.
1886	New Zealand.....	Do.
	New Brunswick.....	Do.
1887	Kansas.....	Do.
	Nova Scotia.....	Do.
	Manitoba.....	Do.
	North Dakota.....	School suffrage.
	South Dakota.....	Do.
	Montana.....	Do.
	Arizona.....	Do.
	New Jersey.....	Do.
	Montana.....	Tax-paying suffrage.
1888	England.....	County suffrage.
	British Columbia.....	Municipal suffrage.
	Northwest Territory.....	Do.
1889	Scotland.....	County suffrage.
	Province of Quebec.....	Municipal suffrage, single women and widows.
1891	Illinois.....	School suffrage.
1893	Connecticut.....	Do.
	Colorado.....	Full suffrage.
	New Zealand.....	Do.
1894	Ohio.....	School suffrage.
	Iowa.....	Bond suffrage.
	England.....	Parish and district suffrage, married and single women.
1895	South Australia.....	Full State suffrage.
1896	Utah.....	Full suffrage.
	Idaho.....	Do.
1898	Ireland.....	All offices except members of Parliament.
	Minnesota.....	Library trustees.
	Delaware.....	School suffrage to tax-paying women.
	France.....	Women engaged in commerce can vote for judges of the tribunal of commerce.
	Louisiana.....	Tax-paying suffrage.
1900	Wisconsin.....	School suffrage.
	West Australia.....	Full State suffrage.
1901	New York.....	Tax-paying suffrage; local taxation in all towns and villages of the State.
	Norway.....	Municipal suffrage.
1902	Australia.....	Full suffrage.
	New South Wales.....	Full State suffrage.
1903	Kansas.....	Bond suffrage.
	Tasmania.....	Full State suffrage.
1905	Queensland.....	Do.
1906	Finland.....	Full suffrage; eligible to all offices.
1907	Norway.....	Full parliamentary suffrage to the 300,000 women who already had municipal suffrage.
	Sweden.....	Eligible to municipal offices.
	Denmark.....	Can vote for members of boards of public charities and serve on such boards.
	England.....	Eligible as mayors, aldermen, and county and town councillors.
	Oklahoma.....	New State continued school suffrage for women.
1908	Michigan.....	Taxpayers to vote on questions of local taxation and granting of franchises.
	Denmark.....	Women who are taxpayers or wives of taxpayers vote for all officers except members of Parliament.
	Victoria.....	Full State suffrage.
1909	Belgium.....	Can vote for members of the councils des prudhommes, and also eligible.
	Province of Voralberg (Austrian Tyrol). Ginter Park, Va.....	Single women and widows paying taxes were given a vote. Tax-paying women, a vote on all municipal questions.
1910	Washington.....	Full suffrage.
	New Mexico.....	School suffrage.
	Norway.....	Municipal suffrage made universal. (Three-fifths of the women had it before.)
	Bosnia.....	Parliamentary vote to women owning a certain amount of real estate.

Gains in equal suffrage since 1838—Continued.

Time.	Place.	Kind of suffrage.
1910	Diet of the Crown Prince of Krain (Austria). India (Gaekwar of Baroda). Württemberg, Kingdom of..	Suffrage to the women of its capital city, Lail- bach. Women of his dominions vote in municipal elections. Women engaged in agriculture vote for mem- bers of the chamber of agriculture; also eli- gible.
	New York.....	Women in all towns, villages, and third-class cities vote on bonding propositions.
1911	California..... Honduras..... Iceland.....	Full suffrage. Municipal suffrage in capital city, Belize. Parliamentary suffrage for women over 25 years of age.
1912	Oregon..... Arizona..... Kansas..... Alaska.....	Full suffrage. Do. Do. Do.

We do not feel called upon in this report to discuss (if, indeed, it be debatable) the question as to the equality or inequality of the two sexes from an intellectual standpoint. It is, or at least ought to be, an axiom of American liberty that a class of persons obedient to the laws as are the women; a class which has a peculiar care for the rights of others; a class which is taxed upon its labor and property for the support of the Government; which is liable to punishment for acts which the law makes criminal; which is patriotic, learned, and in a large measure capable of the highest degree of efficiency in the useful arts and sciences; which is patient beyond estimate and constantly pouring forth costly sacrifices for the common good of the species, should not be denied a voice in the enactment and enforcement of laws and concerns of the Government.

"Government is simply a tool in the hands of the people for the fashioning of that people's civilization." Government is strong or weak, capable or deficient, according to the people who control and make up that Government. In this Republic the people constitute the Government. They are its creators and its maintenance; they are the Government. That the granting of the elective franchise to women would add to the strength, efficiency, justice, and fairness of government we have not the slightest doubt, and this is especially true in the United States, where all power is reposed in the people with universal suffrage as the primal basis of its exercise. "The people" includes women, who can not be denied those political privileges and responsibilities which men claim and assert for themselves without doing violence to the fundamental principles of our Government.

It is anomalous and archaic, in a free Republic, professedly made up of, controlled by, and administered for all the people, to deny to one-half of its citizens the right of exercising a valuable function of citizenship, to wit, the elective franchise, and thus preclude that one-half from the right and power to say what law or polity shall be its rule of conduct. And this anomaly becomes odious and abhorrent when we reflect that the particular one-half of citizenship thus excluded is the identical one-half from which springs so much wisdom, courage, cheer, hope, and good counsel. In this Republic we are in constant warfare against fraud and violence, avarice, and cupidity, and in behalf of liberty and justice, whose success will be accelerated by extending the franchise to women, in whom the materialistic is generally submerged for the idealistic; a class of voters who look to all laws and movements as to how such laws and movements will affect their children; how such laws and conditions will promote morals, human health, and human progress, more especially than as to how this or that particular law or polity will develop or serve material or property interests. In other words, as has been said, "Man looks after the affairs of life, but woman looks after life itself."

Woman's sphere, her ideals, and her duties make her the inescapable and essential conservator of human life, charged as she is with the duty of conserving the human race; and it is in harmony with political and natural justice to accord to her the right to say what laws shall assist her in bringing about the betterment of economic conditions.

AMERICAN CITIZENS.

This question as to who is an American citizen was left somewhat in doubt by the Constitution of the United States until the adoption of the fourteenth amendment in 1868, when that amendment, in the first section thereof, created a distinct Federal citizenship, as follows:

"ARTICLE XIV.

"SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside."

The rights attaching to an American citizen may be divided into two classes; that is to say, civil rights and political rights. On the ground of public policy minors, incompetents, and others are frequently denied political rights. The right of suffrage—that is, elective franchise, or the right to vote—is a political right which, upon the grounds of sound public policy and a due regard for the genius of our form of government, should never be withheld from a class of citizens fairly and in good faith proved to be worthy of possessing this right. That the class of citizens described in the above resolution (females) has abundantly demonstrated it is eminently worthy of possessing such a right has never been successfully contradicted. In determining whether or not a particular class of citizens is entitled to the elective franchise the following rules, set down by S. E. Forman, Ph. D., in his *Advanced Civics* (see p. 106), will be found useful, and if a class fairly and in good faith meets the requirements of these conditions it is respectfully submitted that the elective franchise should be granted to such a class. The things to be considered, therefore, are as follows:

1. Will this class of citizens (females) vote whenever the lawful opportunity is presented?
2. Will this class of citizens (females) attempt to comprehend the questions upon which it votes?
3. Will this class of citizens (females) attempt to learn something of the character and fitness of the persons for whom it votes?
4. Will this class vote against dishonest persons for office?
5. Will this class oppose dishonest measures?
6. Will this class refuse, directly or indirectly, to accept a bribe, and refuse, directly or indirectly, to give a bribe?
7. Will this class place country above party?
8. Will this class recognize the result of the election as the will of the people, and therefore as the law?

9. Will this class continue to fight for a righteous, although defeated, cause so long as there is a reasonable hope of success?

10. Is this class of citizens able to read and write?

11. Does this class of citizens pay taxes?

We submit that the class of voters (females) sought to be enfranchised by this resolution answers each and every one of these interrogatories with distinguished credit to itself and that it fully, fairly, and in good faith measures up to these requirements.

We therefore, upon all grounds, conclude that the resolution should be submitted to the States for their adoption or ratification.

Subjoined to this report, and made part thereof, will be found a memorial of the National American Woman Suffrage Association, being Senate Document No. 519, Sixty-first Congress, second session.

[Senate Document No. 519, Sixty-first Congress, second session.]

To the Senate and House of Representatives in Congress assembled:

Your memorialists, representing the women of the United States desiring the right of suffrage and now being represented in national convention, representing nearly every State in the Union, respectfully demand the recognition by Congress of the right to vote for those women of the United States who possess equal qualifications with men in the matter of intelligence or other conditions imposed by the several States upon the exercise of suffrage.

We ask legislation which will provide that no citizen of the United States be denied or abridged the right of vote by the United States or by any State on account of sex.

We ask that an amendment be submitted to the fifteenth article of the Constitution of the United States, so that it shall read as follows, to wit:

"ARTICLE XV.

"SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, sex, or previous condition of servitude."

The reasons for our request are as follows:

(1) The women of the United States are citizens of the United States, entitled by nature to an equal right to enjoy the opportunities of life.

(2) They perform half the work of the United States.

(3) They bear all of the children of the United States.

(4) They educate these children.

(5) They inculcate in these children lessons of morality, of religion, of industry, of civic righteousness, and of civic duty.

(6) They deserve to be honored by the children of the country as entitled to equal dignity and honor possessed by men.

(7) They pay half of the taxes of the United States.

(8) They possess half of the property of the United States, or at least they are entitled to possess half of the property of the United States by virtue of labor performed and duty well done.

Their property and their right to liberty and to life are subject to law. The law controls the property rights of women and the rights of women to life, liberty, and the pursuit of happiness, and, therefore, we demand the right to a voice in the election of Representatives to write these statutes and to execute them.

We notify you that the injustice of the past, denying us these obvious rights, will no longer be patiently endured. You can not, in the presence of God and with a clean conscience, deny the validity of the reasons we present justifying our demand.

Answer these arguments.

Answer these sound reasons with a good conscience, and you are compelled to yield to the righteous demand of the women of America.

You well know, as students of history and as students of statecraft, that the ballot is the right protective of every other right, and, knowing this, how will you deny women equal opportunity to earn equal wages for equal labor?

Will you suggest that good women will not vote and bad women will vote? This most untrue and unkind suggestion has been emphatically and finally answered by history, which demonstrates that the same percentage of women vote as men, and that the vote of undesirable women is an utterly negligible quantity. That women are not to be regarded as bringing to suffrage a preponderance of evil, but that their vote has brought to use of the State an important influence in the interest and well-being of children; new and stronger laws for the protection and advancement of the interest of children; new and better laws for the preservation of the public health; new and better laws for decency in administration and the beautifying of cities, and more worthy candidates by all parties are offered where women vote.

We demand the right of suffrage because it is justified by every natural right, because it can not be denied by conscientious, thoughtful, studious men who desire to deal justly with all human beings alike. We desire these rights in order to raise in dignity and power the mothers of this Nation, and for the broader reasons that no nation ever rises higher than the motherhood of the nation, and the welfare of this Nation is not promoted by denying to the mothers of the Nation the elemental right of suffrage which is essential, not only to protect their own rights of life, liberty, property, and pursuit of happiness, but to protect their children, whom they have so loved, from the treacherous pitfalls that line the pathway of life.

Very obediently, yours,

ANNA HOWARD SHAW,
President of National
American Woman Suffrage Association.
RACHEL FOSTER AVERY,
First Vice President.
CATHERINE WAUGH McCULLOCH,
Second Vice President.
MARY WARE DENNETT,
Corresponding Secretary.
ELLA SEASS STEWART,
Recording Secretary.
HARRIET TAYLOR UPTON, Treasurer.
LAURA CLAY, Auditor.
ALICE STONE BLACKWELL, Auditor.

INTRODUCTION OF BILLS.

Mr. TOWNSEND. I present the following bill for reading and reference.

Mr. JONES. I ask that the introduction of the bill may go over for a day.

Mr. STERLING. I present the following bill for a special act.

The VICE PRESIDENT. It will go over for a day on objection. There are on the Secretary's desk certain bills which have been read the first time. They will now be read the second time.

The following bills were severally read the second time by title and referred as indicated:

By Mr. MARTINE of New Jersey:

A bill (S. 2493) to provide for the placing of the temporary employees of the Census Bureau on the permanent roll of the civil service (with accompanying paper); to the Committee on the Census.

By Mr. CATRON:

A bill (S. 2494) to provide for the purchase of a site and the erection of a public building thereon in the city of Clayton, in the State of New Mexico.

Mr. JONES. That is the second reading?

The VICE PRESIDENT. It is the second reading. The bill will be referred to the Committee on Public Buildings and Grounds.

By Mr. CATRON:

A bill (S. 2495) granting an increase of pension to Eugenia Chavez de Montano; to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 2496) granting to the city and county of San Francisco certain rights of way in, over, and through certain public lands, the Yosemite National Park, and Stanislaus National Forest, and certain lands in the Yosemite National Park, Stanislaus National Forest, and the public lands in the State of California, and for other purposes; to the Committee on Public Lands.

By Mr. SHAFROTH:

A bill (S. 2497) granting an increase of pension to W. H. Hyatt;

A bill (S. 2498) granting a pension to Helena A. Edic; and

A bill (S. 2499) granting an increase of pension to John Wade; to the Committee on Pensions.

By Mr. CRAWFORD:

A bill (S. 2500) to regulate the employment of agents, counsel, and attorneys engaged to secure the passage or defeat of legislation by Congress; to prohibit persons and corporations interested in the passage or defeat of legislation and their counsel, agents, and attorneys from attempting to influence Members of the Senate and House of Representatives other than by oral and written arguments and briefs submitted to regularly constituted committees; providing for a return of expenses incurred; and prescribing penalties for the violation of the provisions thereof; to the Committee on the Judiciary.

The following bills were read twice by title and referred as indicated:

By Mr. McLEAN:

A bill (S. 2501) granting an increase of pension to Abbie A. Tucker (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 2502) granting an increase of pension to James Henry Martineau; and

A bill (S. 2503) granting a pension to Mary Butterfield; to the Committee on Pensions.

A bill (S. 2504) to reimburse George Heiner, postmaster at Morgan, Utah, for loss of postage stamps; to the Committee on Claims.

A bill (S. 2505) to correct the military record of Joseph B. Forbes; to the Committee on Military Affairs.

By Mr. BRADLEY:

A bill (S. 2506) granting an increase of pension to Julia A. Bachus (with accompanying papers); and

A bill (S. 2507) granting an increase of pension to Harriet N. Lair (with accompanying paper); to the Committee on Pensions.

By Mr. ROBINSON:

A bill (S. 2508) granting a pension to William H. Tucker; to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 2509) granting an increase of pension to Moses N. Jones; and

A bill (S. 2510) granting an increase of pension to Edgar T. Limes; to the Committee on Pensions.

The VICE PRESIDENT. The following bills on the Secretary's table have been noted for introduction and will be read the first time.

The SECRETARY. By Mr. SMOOT, a bill (S. 2511) to provide for agricultural entries on coal lands in Alaska;

A bill (S. 2512) to amend an act entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon," approved August 13, 1894; and

A bill (S. 2513) to provide for the erection of a public building at Cedar City, Utah.

The VICE PRESIDENT. The bills will go over.

The SECRETARY. By Mr. BRADY, a bill (S. 2514) for the relief of William P. Havenor.

The VICE PRESIDENT. The bill will go over.

The SECRETARY. By Mr. LEWIS, a bill (S. 2515) to amend the interstate commerce law and to authorize the Interstate Commerce Commission to assume the power of supervising the issuance of stock, the issuance of bonds, the matter of consolidation, amalgamation, or combination of all transportation lines doing an interstate commerce business, and all interstate concerns engaged in any form of interstate commerce, and for such other purposes as shall protect the public against watered stock and excessive bond issues, and consolidations made with the object of effecting monopoly and trust in matters of interstate commerce.

The VICE PRESIDENT. The bill will go over.

The SECRETARY. By Mr. CUMMINS, a bill (S. 2516) to direct the Attorney General to take an appeal to the Supreme Court of the United States from a decree entered by the Circuit Court of the United States in and for the Southern District of New York in the suit of the United States against the American Tobacco Co. and others, and extend the time for taking such appeal, and for other purposes.

The VICE PRESIDENT. The bill will go over.

The SECRETARY. By Mr. NEWLANDS, a bill (S. 2517) providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees.

Mr. NEWLANDS. I should like to inquire as to whether that bill was not referred to the Committee on Interstate Commerce at the last session.

The VICE PRESIDENT. It was not. Objection was made to the reference, and the bill is now being read for the first time.

Mr. NEWLANDS. Will it be in order now to request its reference to the Committee on Interstate Commerce?

The VICE PRESIDENT. It can not be referred until after it has been read the second time, and objection has been made to its second reading to-day.

Mr. NEWLANDS. Does that imply that it must go over to another day?

The VICE PRESIDENT. It implies that it must go over to another day for its second reading under the rule of the Senate, which requires that on objection a bill shall be read on separate days.

Mr. NEWLANDS. May I ask at whose suggestion the compliance with the rule was required?

The VICE PRESIDENT. The Chair is informed by the RECORD that it was done at the suggestion of the Senator from Washington [Mr. JONES].

Mr. NEWLANDS. I understood that the objection of the Senator from Washington was only to my request that a certain statement be published in the RECORD in connection with the bill. I did not understand that objection was made to the reference of the bill to the Committee on Interstate Commerce.

Mr. JONES. I simply desire to suggest to the Senator that I am asking that each of these bills shall go through the regular form prescribed by the rules.

The VICE PRESIDENT. The next bill on the Secretary's table will be read by title.

The SECRETARY. By Mr. SHAFROTH, a bill (S. 2518) granting to the town of Nevadaville, Colo., the right to purchase certain lands for the protection of water supply.

The VICE PRESIDENT. The bill will lie over.

Mr. MYERS. I introduce a joint resolution.

Mr. JONES. I ask that the joint resolution go over.

The VICE PRESIDENT. It will go over.

Mr. SMOOT. I offer a bill to authorize the Secretary of the Treasury to use at his discretion certain surplus moneys in the Treasury in the purchase or redemption of outstanding interest-bearing obligations of the United States.

Mr. JONES. I ask that the bill go over.

The VICE PRESIDENT. The bill will go over.

Mr. DILLINGHAM. I desire to introduce a joint resolution.

Mr. JONES. I ask that the joint resolution may go over under the rule.

The VICE PRESIDENT. It will go over.

Mr. McCUMBER. I introduce the bill which I send to the desk.

Mr. JONES. I ask that the bill may go over under the rule.

The VICE PRESIDENT. The bill will go over under the rule.

Mr. ASHURST. At the request of my colleague the Senator from Arizona [Mr. SMITH], who is necessarily absent from the Senate to-day, I introduce for him a bill, and ask that it, with the accompanying papers, be referred to the Committee on Public Lands.

Mr. JONES. I ask that the bill may go over.

The VICE PRESIDENT. It will go over.
Mr. THOMPSON. I introduce the bill which I send to the desk.

Mr. JONES. I ask that the bill go over for a day.

The VICE PRESIDENT. The bill will go over.

Mr. ASHURST. Upon my own responsibility I introduce a bill, and ask that it may be referred to the Committee on Public Lands.

Mr. JONES. I ask that the bill shall go over under the rule.

The VICE PRESIDENT. It will go over.

Mr. NELSON. I introduce a bill for reading and reference.

Mr. JONES. I ask that the bill may go over under the rule.

The VICE PRESIDENT. The bill will go over.

Mr. LA FOLLETTE. I introduce a bill for reading and reference.

Mr. JONES. I ask that the bill go over under the rule.

The VICE PRESIDENT. The bill will go over.

Mr. STONE. Mr. President, is morning business concluded?

The VICE PRESIDENT. Morning business has not yet been announced as being concluded. Concurrent and other resolutions are in order.

AMENDMENT OF THE RULES.

Mr. THOMAS. I desire to give notice of a proposed amendment to Rule V, section 2, as follows:

If at any time during the daily sessions of the Senate a question shall be raised by any Senator as to the presence of a quorum, the presiding officer shall forthwith direct the Secretary to call the roll, or he may count those Senators who are present at the time such question is raised without calling such roll and announce the result, and these proceedings shall be without debate.

INTERSTATE SHIPMENTS OF LIQUORS (S. DOC. NO. 103).

Mr. SUTHERLAND. Mr. President, I asked at the last session of the Senate for the printing of ex-President Taft's veto message on the so-called Webb-Kenyon liquor bill, together with the opinion of the Attorney General in connection therewith. The Senator from Washington [Mr. JONES] at the time objected, but I think he did not understand that what I desired printed was the President's message, which ought to have been printed in due course without any request.

I renew my request for the printing of the message and the accompanying opinion of the Attorney General, and I hope the Senator from Washington will not object.

Mr. JONES. Mr. President, I desire to say that as that is a message from a President of the United States and should have been printed at the time it was transmitted, but for some reason was not, I shall not object.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah [Mr. SUTHERLAND]? The Chair hears none, and the order is made.

GOOD ROADS.

Mr. SHAFROTH. I have a request from the president of the International Good Roads Association to have printed in the RECORD some short comments upon the subject of good roads, and I ask unanimous consent that they be inserted in the RECORD.

Mr. JONES. I shall have to object to that.

The VICE PRESIDENT. Objection is made.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. MARTIN of Virginia. Mr. President, I desire to make a report of the conference committee on the part of the Senate on House bill 2441, being the sundry civil appropriation bill. This bill has been before the conference committee since the 9th day of May. There is only one difference between the two Houses, and that is practically whether or not there shall be 5 members or 11 members of the Board of Managers of the National Soldiers' Homes. The bill as it came to the Senate from the House of Representatives contained a provision that hereafter when vacancies occur in the board of managers such vacancies shall not be filled until the number of members of the board is reduced from 11 to 5. This provision in the House bill was a plain, simple piece of legislation, having no relation to any appropriation whatsoever. It was a plain change of the statute law of the country, reducing the number of the Board of Managers of the Soldiers' Homes from 11 to 5. The Senate did not approve of that piece of legislation in an appropriation bill and amended the bill by striking it out, thus leaving the government of the soldiers' homes in the hands of 11 managers, as now provided by law. That single difference has held up the sundry civil appropriation bill since the 9th of May.

The conferees appointed by the Senate have made every effort which could possibly be made to reach an agreement with the conferees of the House of Representatives. Although our efforts were unsuccessful, we have continued the conferences as far as reason will permit them to be continued. We are informed by the conferees on the part of the other House that they will never accept the amendment made by the Senate.

They will not even consider any modification of the position taken by the House in the original bill.

So far as I am concerned, and, as I believe, so far as the other conferees on the part of the Senate are concerned, we have thought, and we still think, that this legislation should not have been embraced in an appropriation bill. We do not think that the government of the soldiers' homes will be improved by reducing the number of the members of the board from 11 to 5. I gravely doubt, Mr. President, whether or not the government of these homes by a board appointed as the board is now being appointed is a wise method of government. I believe—though I perhaps ought not to affirm it, for my investigation has not been exhaustive—I strongly incline to the opinion that the government of the soldiers' homes is not good and that some modification might wisely be made; but when made, it should be made by legislative enactment standing on its own merits and not by a provision injected into an appropriation bill. It is a very bad state of affairs when Senators are confronted with the alternative of accepting a piece of legislation which they do not approve of or defeating an appropriation bill carrying \$116,000,000, now badly needed for the conduct of the business of the Government.

I have received letters, Mr. President, from the War Department and from the Treasury Department, stating that the Government is embarrassed for the want of the money carried by this appropriation bill. The amount appropriated is not all available until the 1st of July, but about \$14,000,000 intended for river and harbor work was made available at once, because there was immediate necessity for that money; and, in like manner, about \$10,000,000 for public buildings was made available at once for a like reason—it was needed immediately. The departments of the Government have been embarrassed for more than a month for the want of this money, and the heads of those departments, as I have said, have been writing letters to me of the most urgent character, stating that the business of the Government has been impeded and embarrassed because the appropriations have not been made.

Under these circumstances, Mr. President, we have not been willing to take the responsibility of delaying this appropriation bill any longer. The conferees appointed by the Senate felt that it was incumbent upon them to present the matter to the consideration of the Senate, and I therefore offer this resolution:

Resolved, That the Senate recede from its amendment numbered 2 to the bill H. R. 2441.

If that resolution is adopted, the bill stands passed without further procedure. We have reached no agreement with the House conferees, and can reach none unless we do what this resolution provides shall be done. Instead of agreeing to it ourselves the conferees preferred that the Senate take the responsibility of dealing with this matter. We prefer that the Senate shall say whether we shall recede or whether we shall defeat this appropriation bill and embarrass the Government by insisting upon this amendment.

As unfortunate as the situation is, Mr. President, my judgment is that we had better recede. I do not think that we can afford to withhold these appropriations which are urgently needed at this time and for which the departments of the Government are appealing to the chairman of the Appropriations Committee and the presiding officer of the Senate, asking that there may be some immediate action in order that the Government may be relieved from embarrassment. We can not relieve this embarrassment, Mr. President, except by receding from this amendment, and I think the difference between a governing body of 5 and a governing body of 11 is too small a difference to justify us in proceeding further in our efforts to do what we think is right. I therefore submit the motion to the Senate in order that the Senate may take the responsibility of determining this matter.

The VICE PRESIDENT. The Senator from Virginia moves that the Senate recede from its amendment numbered 2 to House bill 2441.

Mr. BURTON. Mr. President, I fully realize the importance of passing the sundry civil appropriation bill; but I trust this motion will not be adopted. It seems to me the House should recede. In the first place, this appropriation bill as sent to us by the House contains an amendment to substantive law. There may be a strong argument why in a matter pertaining exclusively to an appropriation we should recede upon the insistence of the House, but the proposition presented to us is very different from that. There is a demand that we should, at the dictation of the House, change the law as it has existed since its first enactment, and that, too, not on a bill presented to us in the ordinary way, but as an amendment to an appropriation bill. So it is not for the Senate to recede in such case as this, but for the House.

Again, if there is any one thing upon which the veterans of the Civil War have insisted in the last few years it is the maintenance of the law as it is. They are becoming fewer in number; they are disappearing like the leaves of autumn; many of them find their homes in these soldiers' homes throughout the country, and it is the earnest desire not merely of the occupants of those homes, but of their comrades outside, that there should be one member of the board of managers living near each home. The old soldiers who live in these homes have their wants; they have their complaints, and they desire earnestly the sympathy of a local member of the board who can listen to them and who can know of their needs. So, Mr. President, I think the law should continue as it is. We owe it to the occupants of these homes, and we owe it to the surviving veterans of the Civil War.

Mr. SMOOT. Mr. President, I made the motion in the Committee on Appropriations to strike from the House bill the provision under consideration. A majority of the committee voted that it be stricken out. In looking up the history of this matter I find that by the act of March 21, 1866, the membership of the Board of Managers of the National Home for Disabled Volunteer Soldiers was fixed at 12, namely, the President, the Secretary of War, and the Chief Justice, together with 9 citizens. The President, the Secretary of War, and the Chief Justice are ex officio members during their respective terms of office, but they have never participated in any of the meetings of the board.

The act of March 2, 1887, provided that the number of elected members of the board be increased to 10, and by a joint resolution of March 3, 1891, the number of elected members was increased to 11.

Mr. President, a local manager, as he is called, comes generally from each State in which a branch home is located. The members of the board of managers are not paid a salary. All that the Government does for them is to pay their actual expenses in going to the board meetings or returning from the meetings and in attending to whatever duty they may have to perform within the State to which they are assigned. The provision made in the House bill will involve more expense to the Government than the law as it now is.

Mr. NORRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. I do.

Mr. NORRIS. I should like to inquire of the Senator if there is anything in the law constituting this board which provides that there must be one member on the board from each State which has a home within its borders?

Mr. SMOOT. No; Mr. President, there is not anything of that kind in the law.

Mr. NORRIS. That is just a custom?

Mr. SMOOT. That is a custom.

Mr. NORRIS. How many soldiers' homes are there, altogether?

Mr. SMOOT. There are 10 or 11, I believe.

Mr. NORRIS. And there are 11 members of the board of managers?

Mr. SMOOT. Yes; the chairman of the board makes the eleventh.

Mr. NORRIS. Well, is it true that every member of the board comes from a State in which there is a National Soldiers' Home located?

Mr. SMOOT. I so understand, Mr. President.

Mr. NORRIS. I have not looked it up, but I am satisfied the Senator is mistaken about that.

Mr. SMOOT. That is as I understand it, Mr. President.

Mr. NORRIS. I do not believe that is the fact.

Mr. SMOOT. And it was so reported to the committee.

Mr. NORRIS. Has the Senator at hand a list of the soldiers' homes?

Mr. SMOOT. No; I have not a list.

Mr. NORRIS. If the Senator will permit me, I should like to inquire of the Senator from Virginia whether he has a list of the soldiers' homes?

Mr. MARTIN of Virginia. I think I have not a list of the soldiers' homes, but I have a list of the governors of the soldiers' homes, giving their residences.

Mr. SMOOT. I did not expect this matter to be brought to the attention of the Senate to-day or I should have brought the list with me. I have it in my office. If the Senator from Virginia has a list of the home managers, and will read it, of course we can tell whether there are any soldiers' homes in other States than those where the managers live.

Mr. NORRIS. I think the Senator will find that that rule, at least, is not universally applied.

Mr. LEWIS. Mr. President, I should like to ask the Senator a question, with his permission.

Mr. SMOOT. Certainly.

Mr. LEWIS. Does this proposed elimination of members eliminate the governor of the soldiers' home at Danville, Ill.?

Mr. SMOOT. I can not tell, because the bill provides that as vacancies occur they shall not be filled; and I really have not here information that will enable me to tell the Senator whether that would be one of the vacancies before the number is reduced to five or not.

Mr. MARTIN of Virginia. Mr. President, I have a list which shows the dates of expiration of the various terms.

Mr. SMOOT. That will tell.

Mr. MARTIN of Virginia. If it is desired, the Secretary can read that list.

Mr. SMOOT. I will ask that the Secretary read the list, and then the Senator can tell.

The VICE PRESIDENT. If there is no objection, the Secretary will read as requested.

Mr. ROOT. Mr. President, I should like to suggest that on page 260 of the Congressional Directory, which we all have in our desks, there is a list of the branches of the National Home for Disabled Volunteer Soldiers and their managers. It is at the foot of page 260.

Mr. SMOOT. I ask that the Secretary may read the list.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Branches: Central, Dayton, Ohio; Northwestern, Milwaukee, Wis.; Southern, Hampton, Va.; Eastern, Togus, Me.; Western, Leavenworth, Kans.; Marion, Marion, Ind.; Pacific, Santa Monica, Cal.; Danville, Danville, Ill.; Mountain, Johnson City, Tenn.; Battle Mountain Sanitarium, Hot Springs, S. Dak.

Managers: The President of the United States, the Chief Justice, the Secretary of War, ex officio, Washington, D. C.; Maj. James W. Wadsworth, president, 346 Broadway (New York Life Building), New York, N. Y.—term expires 1916; Lieut. Franklin Murphy (holds over until successor is appointed), first vice president, Newark, N. J.—term expired 1912; Col. Henry H. Markham, second vice president, Pasadena, Cal.—term expires 1916; John M. Holley, Esq., secretary, La Crosse, Wis.—term expires 1916; Maj. William Warner (holds over until successor is appointed), Kansas City, Mo.—term expired 1912; Col. Edwin P. Hammond, La Fayette, Ind.—term expires 1914; Gen. Joseph S. Smith, Bangor, Me.—term expires 1914; Lieut. Oscar M. Gottschall (holds over until successor is appointed), Dayton, Ohio—term expired 1912; Hon. Z. D. Massey, Sevierville, Tenn.—term expires 1914; Capt. Lucian S. Lambert, Galesburg, Ill.—term expires 1914; Gen. P. H. Barry, Greeley, Nebr.—term expires 1916.

General treasurer: Maj. Moses Harris.

Inspector general and chief surgeon: Col. James E. Miller.

Mr. SMOOT. Mr. President, at the last meeting of the board of managers, without a dissenting vote, the following resolution was adopted:

Resolved, That, in the opinion of the Board of Managers, National Home for Disabled Volunteer Soldiers, it would not be to the best interests of the members of the home to have the number of managers reduced. The board as now constituted gives to each of the branches of the home a representative on the board. Experience shows that giving to each branch a local manager increases the efficiency of the management and adds to the comfort of the members.

Mr. NORRIS. Mr. President, will the Senator allow me to make a suggestion there?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. I do.

Mr. NORRIS. I thought the Senator's idea was—at least, the Senator from Illinois got that idea, I think, from the question he asked—that each member of the board of managers came from a State where there was a home located. A reading of the list of the managers and of the homes shows that that is not true. Those two propositions have no direct connection with each other. A member of the board of managers does not necessarily have to come from a State within whose borders there is a home located, as I suggested awhile ago.

Mr. SMOOT. Mr. President, I know that all the testimony which was taken before the committee was to the effect that the reason why they had the local manager was on account of decreasing the expense to the Government, as their traveling expenses would not be so much traveling within the State as they would be if they had to travel out of the State, or through several States.

In that connection the part of the minutes that I have here contains this language:

Experience has shown that this number of members is to the best interest of the home, giving one member for president of the board and to each of the 10 branches a representative on the board known as local manager. These local managers, while taking a lively interest in each of the 10 branches, give particular attention to their respective branches, thus enabling them at the semiannual meeting of the board to make such recommendations and changes in the management of the home as tend to the comfort and happiness of the twenty-odd thousand of members.

I have felt that the conferees on the part of the Senate should insist upon the amendment of the Senate. But from what the

members of the conference committee on the part of the House have stated to me I am positive that the statement made by the Senator from Virginia [Mr. MARTIN] is correct, that rather than recede they intend that the bill shall fail. I do not want to be one that will cause that to happen, especially for the reason that the department has called attention to the urgent necessity of the passage of this appropriation bill.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. Certainly.

Mr. GALLINGER. I will ask the Senator whether it would not be better legislation for the conference committee to report a disagreement and let the two Houses act upon the item in controversy rather than for the House conferees to communicate to an individual Senator what they propose to do?

Mr. SMOOT. Mr. President, only this morning the Senator from Virginia was speaking to me in relation to the question of reporting it in this way, and he decided it was best to bring it directly to the Senate rather than to have a disagreement and report a disagreement. The result, of course, would be the same.

Mr. GALLINGER. I have not examined the matter, but it occurs to me that this is a proposal to amend a bill that is in the hands of the conference committee. We have not jurisdiction of that bill at the present time, and, under the rule, I do not think we can take the action that is contemplated.

Mr. MARTIN of Virginia. Mr. President, I am sure the slightest examination on the part of the Senator from New Hampshire would satisfy him that he is mistaken about that. It has been done many, many times.

Mr. GALLINGER. Will the Senator point out an instance?

Mr. MARTIN of Virginia. It has been done many times. The papers are in the possession of the Senate. They are on my desk. When the Senate recedes from this amendment the bill becomes a law, if the President signs it.

Mr. GALLINGER. Has the Senator from Virginia the custody of the papers in his individual capacity or as a member of the committee of conference?

Mr. MARTIN of Virginia. I have them as the chairman of the conference committee. They are in the custody of the Senate, in a sense. They are in the custody of the Senate's committee now.

Mr. GALLINGER. Are they not equally in the custody of the committee on the part of the House of Representatives?

Mr. MARTIN of Virginia. That I consider entirely immaterial. I dislike to take the time of the Senate, but there are many, many precedents justifying this course.

Mr. GALLINGER. Mr. President, I will not ask the Senator to take the time of the Senate to read the precedents. I presume there are precedents on both sides, as usual.

Mr. MARTIN of Virginia. I have them right before me. I do not think there can be found a precedent that raises a doubt about the validity of the action which I propose.

Mr. GALLINGER. It seems to me that when a bill is sent to a conference committee it is in the custody of that committee, and that it is not competent for an individual member of the committee to bring the papers before either body and ask that the body shall recede from any action it has taken. If the precedents are all the other way, then I feel very much like Speaker Reed felt when he ruled a Member of the House out of order, and the Member next day called his attention to the fact that according to Reed's Rules the Member was in order; and the Speaker said: "Well, the book is wrong." I am still of opinion that when a bill is in the custody of a conference committee it is not competent for an individual member of that committee to bring it before the body with a view of amending it.

Mr. NEWLANDS. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Nevada?

Mr. SMOOT. I yield to the Senator from Nevada.

Mr. NEWLANDS. May I ask the Senator whether the provision of the bill under dispute involves any change in existing law?

Mr. SMOOT. It does involve a change in existing law.

Mr. NEWLANDS. As such I believe it is subject to objection under the rules of both Houses.

Mr. SMOOT. No; it is not subject to an objection here, because the Senate has stricken out the provision of the House. It was subject to a point of order in the House, but the point was not made there. The Senate struck out the provision inserted by the House in the appropriation bill, and left the appropriation bill without the proposed amendment to the present law.

Mr. NEWLANDS. And left the existing law as it is?

Mr. SMOOT. And left the existing law as it is.

Mr. LEWIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Illinois?

Mr. SMOOT. I yield.

Mr. LEWIS. I should like to ask the Senator from Utah if he now understands, in view of the observations of the Senator from Nebraska [Mr. NORRIS], that if the modification suggested by the House shall obtain that would eliminate the officers now in command or control at Danville, Ill.; or could it, in its ordinary operation, produce that effect?

Mr. SMOOT. I did not follow the time of expiration of the terms by States; but if the Senator will turn to page 260 of the Congressional Directory, he will find there the date of the expiration of that officer's term; and if the expiration of his term comes before the reduction, as they stand to-day, of the 11 members to 5, then, of course, he would be affected. On the other hand, if it does not, he would not be.

Mr. NORRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah further yield to the Senator from Nebraska?

Mr. SMOOT. I do.

Mr. NORRIS. I wish to inquire of the Senator from Utah, in relation to the answer he has just given to the Senator from Illinois, whether it is not true that each one of these soldiers' homes has a governor outside and distinctly independent of the board of managers?

Mr. SMOOT. Each one of them has a local manager.

Mr. NORRIS. He is called the governor, is he not?

Mr. SMOOT. And the local manager is a member of the Board of Managers of the National Home. That is the office I have been discussing.

Mr. NORRIS. The Senator certainly is mistaken about that. I thought his mind was cleared on that point when he read from the record that the State in which the home was located did not necessarily have to have a member of the board of managers. Besides the board of managers, as I understand—and I should like to be corrected if I am wrong—there is a local governor of the home. Referring particularly to the home at Danville, Ill., there is a governor of that home, and he is not a member of the Board of Managers of the National Home. If we should take them all away, it would not affect the particular officer about whom the Senator from Illinois has inquired of the Senator from Utah.

Mr. SMOOT. Mr. President, I understand that the governor to whom the Senator refers is not involved in this proposition. He may be the governor, but I am speaking now of the local manager; and all the local managers, 10 in number, are also members of the Board of Managers of the National Home.

Mr. NORRIS. No; the Senator is mistaken about that.

Mr. SMOOT. I have here the minutes of the meeting, and also a statement made by one of the managers of the home, and it—

Mr. BURTON. If the Senator will permit me, each soldiers' home has a superintendent.

Mr. SMOOT. He is designated the governor.

Mr. BURTON. Or governor; I do not know by what name he is called.

Mr. SMOOT. I may be mistaken in his exact designation.

Mr. NORRIS. He is not a member of the board of managers.

Mr. SMOOT. No; and he is not involved in this question at all.

Mr. NORRIS. The man at Danville now is not at all involved in this proposition.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from California?

Mr. SMOOT. Let me ask the Senator from Illinois a question. Is there a member of the Board of Managers of the National Home from Illinois?

Mr. LEWIS. I would rather yield to my colleague, who is more familiar with the details of the matter than I am. I can not answer that question.

Mr. SHERMAN. If the Senator will permit me—

Mr. SMOOT. Certainly.

Mr. SHERMAN. There is a member of the board of managers from Illinois at the Danville home. There are several gentlemen scattered about over the country who are members of that board. It has been my pleasure to transact business not only with that board of managers, but with nearly every one in the United States within the last four or five years. There is uniformly a board of managers, if the Senator from Utah will permit me, that is local to each one of these branches of the home, located at different points in the United States. Out on the coast, in California, there is one. There is one in Wisconsin, at Milwaukee, or in the vicinity; and there are

others at different points. These managers are merely a local board; and they have under them, acting as the executive officer of the home, a governor or superintendent of that home in each place where one is situated.

Mr. SMOOT. Mr. President, in answer to the Senator from Illinois, I will state that I notice in the record that Capt. Lucian S. Lambert, of Galesburg, Ill., is a member of the Board of Managers of the National Home. Therefore he is involved in this question.

Mr. NORRIS. If the Senator will permit me, I beg to disagree with him. The Senator from Illinois inquired about the governor at Danville, Ill., and when I interrupted the Senator awhile ago I wanted to call attention to the fact that the governor or superintendent, or whatever the official title may be, at Danville, Ill., is in no way involved in the question now before the Senate. Capt. Lucian S. Lambert, of Galesburg, Ill., is a member of the Board of Managers of the National Home, and he has just as much authority in regard to the home in California as the home in Illinois. He does not live at Danville, and he has no control over that home except as a member of the board of managers, that board having control over all the homes.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Will the Senator from Utah yield to the Senator from California?

Mr. SMOOT. In just a minute. I will then gladly yield to the Senator.

The Senator from Nebraska is wrong, because the fact is that Mr. Lucian S. Lambert is not only a member of the Board of Managers of the National Home but he is the local manager, and it is his particular work to look after the interests of the home in Illinois.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Will the Senator from Utah now yield to the Senator from California?

Mr. SMOOT. I yield to the Senator.

Mr. WORKS. The Senator from Utah is mistaken. There is no such thing as a local manager. The managers may be appointed from anywhere, as I understand the law, and they may be assigned to any one of the homes thought desirable. Therefore it is not at all proper to say that they are local managers. Each home has a governor, who is local to that particular soldiers' home, but it is not so with respect to the managers at all.

Mr. SMOOT. Mr. President, all I am doing is to give the history exactly as it has been given to me. The Board of Managers of the National Home for Disabled Volunteer Soldiers consists of 11 members. There is 1 of those 11 who is president of the board, and the other 10, by the action of the board, are designated to certain homes. The home in Illinois is presided over, as far as the board of managers are concerned, locally by the member designated by the board of managers of the national home as the local manager.

Mr. NORRIS. Mr. President, will the Senator yield to me there?

Mr. SMOOT. Certainly.

Mr. NORRIS. That is Capt. Lucian S. Lambert, is it not?

Mr. SMOOT. That is right.

Mr. NORRIS. He lives at Galesburg, does he not?

Mr. SMOOT. He does.

Mr. NORRIS. The home is located at Danville.

Mr. SMOOT. That is true.

Mr. NORRIS. Does he draw a salary?

Mr. SMOOT. He does not.

Mr. NORRIS. Does the Senator wish the Senate to understand that the gentleman who has charge of the home at Danville, Ill., manages it and performs all the duty without a salary?

Mr. SMOOT. I do not. There is a governor or superintendent who gives his personal attention to the detail work of the home, but the Board of Managers of the National Home designated Capt. Lambert as the local manager representing that board, and that is what he does.

Mr. NORRIS. They might send him there.

Mr. SMOOT. It is not a question of sending him there. He is designated.

Mr. NORRIS. What does his designation mean?

Mr. SMOOT. His designation means that he shall look after the interests of the home as the representative of the board of managers.

Mr. NORRIS. What authority has he? Has he any other authority except that which the board give him? And have they not the same right to give him the same authority over any other home in the country if they want to do so?

Mr. SMOOT. Nobody has stated that they could not assign him to any other home. The only authority he has he gets from the board of managers itself.

Mr. NORRIS. I ask the Senator which one of the board of managers runs the home in Virginia? Will the Senator give me that information? And while he is getting that, it may be that he can give me the name of the man who runs the soldiers' home in South Dakota; and while he is looking for South Dakota he might think about Kansas, too, and tell us who is running the Kansas institution.

Mr. SMOOT. I do not know what the Senator means as to running—whether he means the superintendent—

Mr. NORRIS. I understood the Senator to say that one member of the home is designated to take exclusive charge of one home.

Mr. SMOOT. I did not say that he had charge; I said that he would look after the interests of the home.

Mr. NORRIS. The Senator did not use that language, but I have used language of the same import; and if he does not mind I wish he would tell us now what he does mean.

Mr. SMOOT. I do not know that it is necessary to repeat; but I will say that there is a Board of Managers of the National Home consisting of 11, and that those 11 members designate one of the board to supervise, as it were, a particular home; and his special work as a member of the board of managers is to look after the interests of the home to which he is designated.

Mr. NORRIS. Will the Senator tell us which one supervises and looks after the home in Virginia and the one in Kansas and the one in South Dakota?

Mr. SMOOT. I have not the list.

Mr. NORRIS. The Senator has the list in his hand right there; his fingers are on it.

Mr. SMOOT. I will say that I can give it from the Congressional Directory quicker than to hunt anyone out. Lieut. Franklin Murphy would look after the home in New Jersey; I do not mean as superintendent, but he is designated by the board of managers as local manager.

Mr. GALLINGER. To visit it.

Mr. SMOOT. If there is no home in New Jersey, he is designated to some other State that has one.

Mr. NORRIS. I asked the Senator a particular question in regard to three separate homes.

Mr. SMOOT. Then in Kansas City, Mo., there is a home, and William Warner is designated as local manager of it.

Mr. NORRIS. I did not ask the Senator about that.

Mr. SMOOT. He is the local manager representing the board of managers at that home.

Mr. BRISTOW. The Senator from Utah will have to guess again. There is no home at Kansas City, Mo.

Mr. SMOOT. I did not mean at Kansas City. I meant the home in Kansas.

Mr. BRISTOW. Kansas City, Mo., is in Missouri, and there is no home in Missouri that I know of.

Mr. SMOOT. Is there not one in Leavenworth?

Mr. BRISTOW. In Leavenworth, Kans., and Leavenworth, Kans., is a different city from Kansas City, Mo.

Mr. NORRIS. I ask the Senator who is designated by the board to look after the home in Kansas. I should like to have him give the name.

Mr. SMOOT. I understand, of course—

Mr. STONE. Mr. President, the Senator from Utah is killing a great deal of very valuable time. There is no such thing as a Federal soldiers' home in Missouri. There are two State soldiers' homes.

Mr. SMOOT. I have not yet said that the members of the Board of Managers of the National Home are appointed to the home of the State that they live in, but they are appointed to represent some particular State. There is no doubt about it.

Mr. WORKS. I should like to ask the Senator from Utah if there is any such officer as superintendent of the soldiers' home.

Mr. SMOOT. I think he is designated governor.

Mr. WORKS. Of course.

Mr. ROOT. May I make a suggestion?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from New York?

Mr. SMOOT. Certainly.

Mr. ROOT. I think this board of managers is practically a legislative body for the soldiers' home in its various branches, and one member is made practically a subcommittee of the board to look after the affairs of the home which happens to be most convenient to his residence. It may be in the same State where he lives or in a neighboring State. Each home has its management complete, its governor, its executive force, and the supervising body of all is the board of management, who may appoint subcommittees.

Mr. WORKS rose.

Mr. ROOT. Let me say one word further while I am up. I think the Senator from Virginia [Mr. MARTIN] is right, and I hope his motion will prevail, for from some knowledge gained officially years ago of the working of this system and from what I understand to be the opinion of Mr. Wadsworth, the president of the board, I think we would have better administration with a board of 5 than with a board of 11. Better administration, after all, is what we want to accomplish, and that, after all, is what is for the benefit of the great body of old veterans who are in these homes; and because I think that would be the result I am in favor of the motion of the Senator from Virginia.

Mr. SMOOT. Of course I do not believe that the result would be the better management of the homes, but, as I said before, rather than see the great civil sundry appropriation bill fail I shall vote for the motion of the Senator from Virginia.

Mr. NEWLANDS. Mr. President, as I understand it, the question involved here is a change in existing law by means of an appropriation bill, a practice which is denounced by the rules of both Houses. The last House determined to relax that rule and to carry through matters of general legislation upon appropriation bills, and insisted upon such legislation, notwithstanding the protest of the Senate; and this practice is repeated at this session in the reenactment of the sundry civil bill, which was vetoed at the last session.

I think the practice of general legislation upon an appropriation bill is bad, and that is the judgment of both the Senate and the House, as expressed by their rules. We had a realization of the evil of this practice during the last Congress when, without consulting the proper committees, without debate involving the special subject, the House sought, through the action of an Appropriation Committee, to put upon the bills legislation of a general character and of the highest importance; and there was hardly a case where this legislation was not, in my judgment, ill-considered and prejudicial.

I recall that one amendment was offered which would have demoralized the entire civil service of the District of Columbia, practically bringing to a termination the official lives of all the clerks employed in the District of Columbia at the end of five years and submitting them to all the uncertainties and harassments incident to temporary employment, and also subjecting the Government, in my judgment, to the inconvenience of an ill-trained body of public servants. Fortunately that amendment was beaten finally by the veto of the President, if my memory serves me right.

Another amendment provided for the absolute abolition of competition in architecture under the noted Tarsney Act, a bill introduced by a Democrat and put through by a Democratic Congress, an act which has been of the highest service to the country, insuring the enlistment of the highest artistic and architectural capacity in the service of the Nation through a competitive test. That amendment was forced through against the protest of the Senate, without the consideration of the proper committees either in the Senate or the House, and by mere tenacity of purpose and resoluteness of will upon the part of the House managers.

And now to-day we have another change in existing law about to be forced upon us by the House. One would think that when the Senate managers object to such a change and insist upon its being made through the usual forms of law the House, obedient to its own rules and to the established procedure of legislative bodies, would recede from its indefensible position. But we are told by the managers upon the part of the Senate that the House insists, and that the bill will fail unless the Senate yields to this departure from well-established legislative procedure. We are called upon to consent to revolution in our legislative methods, and we are not only called upon to consent but we are forced to consent.

Mr. MARTIN of Virginia. With the permission of the Senator from Nevada, although it is not at all conclusive of the question, I think it is just to say that the House conferees rest their position largely on the fact that this provision was agreed to by both Houses of Congress at the last session. They contend that the two Houses reached an agreement; that not only the conference committee agreed to it but that the House adopted the report of the conference committee. They feel that they ought not to be required to change now. I say that not because I think it is conclusive, for the matter is still open; it is not the law, but it is for the two Houses to determine whether it shall be the law.

I felt in justice to the situation presented that I should state to the Senate that the House conferees rested largely on the fact that the two Houses once agreed to the provision which they now insist upon.

Mr. NEWLANDS. My answer is, Mr. President, if the two Houses agreed it was because the House persisted to the end in

revolutionary methods. There must be an end to patience, in my judgment, and the Senate should stand not only for its own dignity, but for the verity and the correctness of legislative procedure.

Mr. President, where will this end? If the Senate yields once and yields twice and yields thrice and always yields we will have a revolutionary body in the House composed of the Appropriation Committee, which with the consent of that body will do the legislation for every committee in both bodies, which will initiate general legislation upon appropriation bills, which will initiate changes in existing law and carry them through the House, and then by fixity of purpose and pertinacity force their will through the Senate.

I believe this practice is a vicious one, and I believe it is time for the Senate to take a stand.

Now, Mr. President, I wish to pass to a matter personal to myself and to make a personal statement regarding the position which I took in a speech on the 16th of May last regarding the sugar and the wool schedules of the tariff.

[The further remarks of Mr. NEWLANDS, with insertions and appendices, are printed in the Appendix.]

Mr. SHERMAN. Mr. President, possibly the effect of the amendment made to the existing method of management is misapprehended. The present method of managing the homes maintained by the Government is through a superintendent or commandant. He is the executive officer representing the board of managers at that particular home. He exercises all of the executive and managerial power that is vested in any public officer, as a matter of fact. Whatever the legal theory may be under which he is appointed or exercises the power of his office he is the actual executive on the ground administering the affairs of that particular institution. He is appointed in the first instance nominally and in many instances really by the board of managers.

The board of managers consists of 11 men, appointed from various parts of the country, together with the ex officio members of the board of managers, the President of the United States, the Chief Justice, and the Secretary of War. Of the 11 members appointed, outside of those designated, there are 3 of them whose terms expired in 1912. These, I think, without exception, hold over. No reappointments have been made, so far as I can find. Four of them have terms expiring in 1914 and four of them in 1916.

The provision of the House proposing the reduction of the actual membership of the board from 11 to 5 does not produce either economy or efficiency. It does not produce economy because the reduction of the board from 11 to 5 does not dispense with the performance of any duty. It does not reduce the compensation paid by a single dollar.

These homes range territorially from California to Maine, from South Dakota, I believe, to Virginia. In the Mississippi Valley they run from Leavenworth, Kans., to Marion, Ind. Those 11 men, as a matter of fact, do not exercise managerial or executive power in the management of these institutions. They exercise technically supervisory power. Their proper legal function, Mr. President, their actual power, is more that of a visitorial committee. However it may be regarded from the real point of view as to whether this is a charity or not, not only the theory of the law but the idea on which appropriations are made and expended is that this is a governmental charity.

I have not thought that in legislation that was a proper way to designate it. I have always felt in justice to those receiving relief that some explanation should be made. It is more properly the payment of a preexisting debt, but in the classification by the acts of Congress those institutions are regarded as great public charities. Eleven of them are maintained by the Government under appropriations.

If these be taken in their legal signification as public charities, Mr. President, the board of managers actually exercise no power save that of visitation. The visitorial powers of the 11 men are for the purpose of keeping the charity within the purposes of the founder. The founder in this instance is the Government. The object of this visitation is to keep not only the expenditures within bounds for the purposes for which the appropriation is made, but to keep the executive or managerial officer at the head of the institution in the constant and faithful discharge of his duties in order that the purposes of the founder of the charity may be effectually accomplished.

There will be no economy in the exercise of the reduction proposed by the House, because reducing the number to five will not reduce the duties to be performed. The five men remaining, when they shall have accomplished its purpose, must cover the territory and perform the supervisory and visitorial powers from California to Maine and from the Dakotas to Vir-

ginia. It will not reduce their expenses because no salary is paid. It is purely a labor in which the duty done is the sole compensation for the person performing it.

When the expenses of the visitorial committee—and that is what this is, as a matter of fact—have been discharged, the sole purpose of their creation is ended. All they have is their traveling expenses. Beyond that there is not a dollar from the Government when the visitation is performed by the five men, the number which this reduction proposes. When that has been fully performed by the five men, their expenses in traversing the territory covered by the homes and in the performance of their duty will equal now the expenses, with but very little difference, if any, of the 11 men now provided by the act of Congress. The governors of the homes are appointed by the board of managers. Ordinarily if any suggestion is made by the Chief Executive, who is responsible not only for the proper appropriation but for the administration of the funds, it is heeded. It is very similar to the appointment of like boards inside the State governments; when the managerial officer is appointed he only executes the general policy in the outline given him by the appointing power. In every instance, however, the commandant or superintendent on the ground is the responsible officer administering the affairs of the institution, expending the money, as a matter of fact. Under his direction the bills are verified and audited and the care of the inmates is had pursuant to the appropriation. The board seldom goes back of the recommendation of the managing officer.

Now, there will be no economy, because the 5 men must perform the duties of 11.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from California?

Mr. SHERMAN. Certainly.

Mr. WORKS. I desire to ask the Senator from Illinois whether the board of managers has headquarters anywhere?

Mr. SHERMAN. I do not know. I never have been able to locate them when I wished to reach them.

Mr. WORKS. Is it not a fact that they sometimes gather together and have a meeting of some sort?

Mr. SHERMAN. Yes, sir; I think they do; but I do not know where.

Mr. WORKS. Then, I suppose 11 of them would have to travel to that meeting, wherever it might be held. And does the Senator not think it would cost a little more for 11 of them than for 5 to travel to headquarters to hold their meetings?

Mr. SHERMAN. It would cost about 2 cents a mile.

Mr. WORKS. I am quite sure that the member of the board from California goes to New York once in a while to meet with the board of managers.

Mr. SHERMAN. Certainly.

Mr. WORKS. And I know by experience that it costs something to travel from California to New York and return.

Mr. SHERMAN. It does under existing conditions. Let me reply further to the suggestion of the Senator from California, which is a practical and sensible one, that when the number of managers is reduced to five all of them would not be in or near New York City or the State of New York, but one is just as apt to be in California and another in Washington as to be adjacent to or within a day's travel of the branch homes.

So far as mileage may be involved in the supposed economy, with the reduction of the number of the board of managers to five, as much travel will be necessary for one man, if he chances to live in Oregon or California, to attend the meetings of the board in St. Louis or New York as is the case now, although there might be less travel by 5 men than by 11. Where the meetings of the board of managers may hereafter be held would determine the question whether the mileage would be greater or less under the change than under the existing plan. I do not think anybody can successfully say that there will be economy in the traveling expenses of the board unless he knows where the board as hereafter constituted will have its place of residence and further where it will hold its meetings when organized.

I think universal experience argues against the proposition that efficiency is promoted by consolidating or by reducing the number of such a body. If there was anything in the argument that efficiency would thereby be promoted I would gladly vote for the proposed change. The question of efficiency, however, when the number is reduced from 11 to 5 could not be established by any known process of reasoning. Diverse managements consolidated increase efficiency. This is not what is proposed in this amendment, however. Eleven men now exercise supervision over 10 institutions. Five men under the proposed change will be required to cover the same institutions, which are scattered in various parts of the country. Those 5 men must exercise the visitorial powers now exercised by 11.

In every instance where boards exercising supervision of public charities having enlarged powers and some authority in the actual administration of the institution have been consolidated and their membership reduced it has been found necessary to supplement them by auxiliary boards of visitors to discharge the visitorial duties which a consolidated board, with a lesser number, has been found incapable of discharging, in view of the time they can afford to give without compensation to the performance of that duty.

I do not know of an instance of a board charged with the supervision of a State charity being reduced from a larger number of men to a smaller number of men, working without compensation, where the effective visitation of the charity has not been compelled to be performed by the creation of an auxiliary board, either local or general, to perform some of the visitorial functions formerly performed by the larger body.

There is no limitation as a matter of law from what section of the country the 11 members constituting the present board may be selected, but, if my memory is not wrong, 7 of them at least are appointed from States in which the Government has located branch homes; 3 are appointed from States in which no home is located, and 1 of them, Maj. Warner, of Missouri, is appointed for and acts in the capacity of local member of the board for the home in Leavenworth, Kans., which is a short distance from his home. As a matter of fact, the most effective supervision can be given by some one who does not find it necessary to travel across the continent in order to reach the institution of which he has supervision. A man within a day's travel can reach the institution more readily and give better service than one who has to travel clear across the continent. Prudence as well as an efficient management of the institution would dictate that some member of the board should live near by.

Mr. President, it seems to be the prevailing thought here that if the board should be reduced from 11 to 5 greater efficiency will be produced. I have not a particle of interest in these matters, for I do not expect as a member of the minority party to be consulted concerning such an appointment within the next four or five years; and I feel greatly relieved thereat. I have no purpose in view other than the efficient administration of the 10 branch homes in which are gathered a large number of the surviving veterans of the Civil War who find it necessary to receive care in that way.

For over four years I was connected in a managerial and executive way with institutions of this character. We had more than 20,000 of the unfortunate wards of the State in our care, with 2,600 employees on the pay roll, and administered over \$5,000,000 annually for their care. A single board possessed executive and managerial power over all those institutions; but with the added burden laid upon the board, with its concentrated and extensive power, in addition to the power given the superintendent or executive on the ground of the institution, we found it indispensable in the discharge of the visitorial powers that were necessary to be exercised at least once every 30 days for the efficient management and for the execution of the purpose of the charity to create auxiliary boards of visitation that would more fully supplement our visitation in order more thoroughly to carry out the purposes of the law. Some of such boards were local, some of them were district, and some of them State wide; but all of these visitorial powers could not in the nature of things be fully exercised by a body of five men serving without pay.

I do not say that everybody works exclusively for salary. There are Members of the Senate who have performed, with utterly inadequate or with no compensation, great public services beyond price, and whose value to the Government is incapable of computation in money, but those instances are few. In some far-distant age we shall reach a time when we shall all be philanthropists and will work for the public for nothing, but as it is we have got to take human nature as we find it. If you select five men for members of the board of managers and require them to cover an area that reaches from shore to shore, asking them to give up their time and return to them nothing but their traveling expenses, you will not get as good visitation and you will not have the charity founded by the Government as well cared for as you will if you have 11 men who will necessarily perform the service in a more subdivided and general way. The burden will not be as heavy on them as it would be on 5.

It is not a question of economy at all; it is a question of efficiency. The reduction of the number is a reduction of the efficiency. Efficiency would be conserved by retaining the 11 men. I understand it carries in the neighborhood of \$4,000,000 for the maintenance of the homes.

Mr. STERLING. Mr. President—

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from South Dakota?

Mr. SHERMAN. Certainly.

Mr. STERLING. I hardly ask the Senator to yield for the purpose of asking a question or questioning what he has said, only I understood the Senator to say that he did not know that the section of the country from which the managers are appointed was in any way limited or restricted.

Mr. SHERMAN. Yes, sir.

Mr. STERLING. I simply call the attention of the Senator and of the Senate to the provision found in the act approved March 2, 1887. By this act the number of managers was increased from 9 to 10, and there is a provision in the act that—

One of whom shall be a resident of a State or Territory west of the Rocky Mountains.

That is the only limitation which I have found. There is a subsequent act, which reads—

Mr. SHERMAN. May I inquire, for information, to what institution that refers?

Mr. STERLING. It refers to the soldiers' home in California. The section provides for the appointment of an additional manager—William Blanding, of San Francisco, Cal.—and then provides, in general terms, that one of the board shall be a resident of a State or Territory west of the Rocky Mountains.

Mr. SHERMAN. Mr. President, I do not care to say much more on this subject. There has been some criticism of this method of amending a law that is not concerned in the bill which seeks to amend it save as it provides money for the purpose of carrying out the provisions of that law. Generally the right way to amend a law is by a bill that does so in express terms and not in an indirect and evasive way. It has not been many weeks since I heard criticisms on the side of this Chamber where I belong for the present in regard to the method of amending a general law by riders in an appropriation bill. Those criticisms appealed to me; they always have. I think the courageous, the honest, way to legislate is by your bill to go directly to the point to be reached. This is a method of monetary coercion. It is said to us in substance, "We do not care what your views may be or what you may think of the merits of the law as it now is, but if you do not concur with us in amending the law we will deprive you of the money which maintains the institutions affected; agree with us or we will take away the means whereby these institutions may be maintained."

In the stress of political emergency, in the warfare in which everything is supposed to be fair, where even the Constitution is not permitted to stand "between friends," I can understand that any means are regarded as justifiable that will reduce the enemy to a state of insensibility or inaction, but I can not understand why this method of monetary strangulation should be adopted here in connection with a great public charity maintained by the Government for those who saved it in its hour of peril.

It may not be material; I do not know. Perhaps these homes may be just as well administered under 5 as under 11 managers; but if you want to amend the law, amend it directly and do not undertake to amend it by this indirect method of cutting off the means of subsistence. That may not be done; one House or the other may recede; that is true; but suppose that does not happen. If the two coordinate branches do not agree, what is the necessary effect? I prefer to measure things by their necessary effect. The effect of this would be, if the Senate adheres to its amendment and the House adheres to the provision it wrote in the bill, which amends the general law governing this charity, that there could be nothing whatever but a legislative deadlock and the failure of the bill. So the motive that lies back of the legislative mind, the proposition of the men who wrote that into the bill, is, in effect, "Agree with us or we will kill your charity by withholding the money for its maintenance." If you will bring up the question of amending the act by which these great institutions were founded by the Government and present clearly the question of whether a reduction shall be had in the number of the board of managers from 11 to 5, then we can meet it on a different ground.

I do not care to wander very far afield here. I understand that under the present rules of the Senate I can read anything, Mr. President, from a Talmud to the last Democratic platform, if I so desire. I may never have an opportunity to do so, because I understand there is on the calendar a proposed amendment to one of our rules that will prevent these pleasing excursions far afield, and that hereafter we will have to stick to the text, and, like a good minister in a country congregation, when we wander from it we shall do so at the peril of losing a congregation or of receiving the censure of the Senate for departing from the rules.

In reference to the matter which we are called on to decide, it occurs to me, Mr. President, that we ought to stick to the law

as it now is. These 11 men serve without pay. Their traveling expenses are the sole charge on the Government Treasury. I do not know what their traveling expenses are. I know if they audit the traveling expenses of the Federal officers as they audit my expenses, no official can put anything in his account that ought not to be there. I know we pay our own porters; I know we pay our own waiters; I know the Government reduces us down to the skeleton and the running gear of a traveling man's expenses. I do not know what the Government does in this case, but I apprehend that there is nothing in the way of fancy frills when you come to charge up your expense account.

If that is so, what does this amount to? A few thousand dollars at best. If a report could be had of the traveling expenses of the members of the board for the last year, it would be very trivial. The time consumed by my genial friend, the Senator from Nevada [Mr. NEWLANDS], and others here this afternoon, if we could put it on a cash basis of what such ability and genius is worth, would far exceed in value the allowance for the traveling expenses for an entire year of these gentlemen who are to be deprived of their offices. There is one gentleman on the list from my State, I believe—Dr. Lambert. I can say with entire confidence, Mr. President, regarding ourselves now as in executive session, and not to be repeated to the profane ear of the general public, that he has not, I believe, been affiliated with the element of my party with which I have had the fortune or misfortune to be identified for many years in that State. He and I likely have no particular political affinity, to put it in as mild terms as I possibly can. I am not acting here solely to try to prolong his official existence. There is not a trace of selfishness in this. I approach the consideration of the matter in a judicial aspect, as far as is possible in this body. I am quite sure that with him on the board as a member, performing visitatorial functions, there will be an efficient, full discharge of that duty. He is a competent man; he stands well in his profession. He never fails in his duty.

The same thing may be said of the member of the board from Missouri, who, I understand, performs official duties at Leavenworth, Kans. These 11 men, whatever they may perform in the way of actual duty, get nothing under the sun but the approval of their own consciences.

There is another thing: The more numerous you have a committee charged with the powers of visitation, where they are men of the proper kind, the more thoroughly the duty of visitation will be performed. The object of a visitation from the days when the law was laid down by the Crown lawyers in the mother country, when the right of visitation was retained by the founder of a private charity or by the Crown in a public charity, was to hold those who discharged their duty and expended the money strictly within the line of the charity and to see that the beneficiaries of the charity received full measure for the money expended.

If there is efficiency in reducing the number of nonsalaried members of a visitatorial committee, then reduce the membership to one. One man can do the work as well as 11; 1 man can do it as well as 5; and if there is merit in this idea of consolidation and reduction of numbers one can do the work more expeditiously. He can agree with himself most of the time. There will be no discussion, no loss of time in debating questions. There can be instant executive action. But it is an impossibility for one man—and that is what the wisdom of the ages has told us—ever to be an efficient visitatorial body. It takes more than one man in order to correct the inefficiencies of another; and in this combination of men a numerous visitatorial body is the one that in every instance has produced the most efficient results.

I do not know that these powers of visitation could be adequately exercised by five men. It can not be done in smaller jurisdictions. It has been found by experience, it has been worked out and tried, not upon the theories of those who have sat down in a committee room and framed things on paper, but by those who have actually administered these charities in the field. In order to make them efficient these boards that have been auxiliary for visitation purposes have been established to supplement the efforts of the main body. If this change is once introduced into the code of laws governing the Government charities, it will remain in that way. Whatever injury may result from a lack of efficient supervision and visitation will have been accomplished.

I hope that this change in the law that is contemplated by the House and that has been stricken out by the Senate will remain stricken out, and that the Senate will adhere to the amendment made in this body and seek to induce the House to recede from the obnoxious provision that is there introduced.

Mr. LEWIS. Mr. President, the mere fact that a large property and some announced political interest is situated in the

State which I have the honor to represent, together with my colleague, justifies the moment that I will occupy upon this subject.

I think parliamentary history reminds us in somewhat facetious tone that when Edmund Burke was making his contest for the seat at Bristol he was accompanied by his colleague, a Mr. Barksdale; and, after having made a most eminent and excellent presentation of his position, Mr. Burke concluding the oration, Mr. Barksdale rose and, conscious he could add nothing that would illuminate the subject, said, "I say ditto to Mr. Burke."

I am content, after hearing the splendid argument of my colleague and the reasons advanced by him, to add my approval to his observations and say "ditto" to my distinguished colleague, and give my approval and support to the motion of the Senator from Virginia.

Mr. WORKS. Mr. President, in my judgment the two Houses of Congress have been differing for some weeks or months about a matter of very little consequence. I do not think it makes very much difference whether this board of managers consists of 5 members or of 11. As the Senator from Illinois has said, it will make very little difference so far as the matter of expense is concerned.

If I had my way about it there would not be any board of managers. They have never amounted to very much, anyhow. We know something about that out in California. The conditions in the Pacific Home were such that I thought it my duty to call upon the Senate to order an investigation of the conditions in that home. That was done, and a very careful and thorough investigation was made of the home by a subcommittee of the Committee on Military Affairs. It showed a very deplorable condition of things. The old men in that home who were practically—whatever we may call it—objects of charity had been sorely neglected. They had their local manager living at Pasadena, near by; but for some reason their comfort was not properly looked after. I do not know who should be held responsible for it, but the fact existed and was clearly demonstrated by the investigation I have mentioned. As a result of that condition of things a bill was introduced at the last session by one of the members of the Committee on Military Affairs, proposing to transfer this home to the War Department, where, in my judgment, all of them should be.

I should much rather see an amendment, if any is to be made here at all, abolishing the board of managers entirely and transferring the management and control of these homes to the War Department, where I believe these old men would be better cared for than they are now.

So far as this particular question is concerned, I think it is a matter of very little consequence, as I said in the beginning; but I hope Congress will yet reach such an understanding of the conditions existing that it will transfer all of these homes to the War Department.

The VICE PRESIDENT. The question is on the motion made by the Senator from Virginia [Mr. MARTIN] that the Senate recede from its amendment numbered 2 to House bill 2441.

Mr. BURTON. On that I ask for the yeas and nays.
The yeas and nays were ordered.

Mr. BRISTOW. Mr. President, I was not in the Chamber when the Senator from Virginia made the explanation. Do I understand that it is proposed to recede from the Senate amendment, and that the House provision, reducing the number of members of the board of managers from 11 to 5, will stand if the motion of the Senator from Virginia prevails?

Mr. MARTIN of Virginia. That is correct. I make the motion for the reason that we are holding up appropriations to the amount of \$116,000,000, that the departments of the Government insist they need daily, and that the public service is being injured by the delay, all owing to the simple difference between 5 managers and 11 managers of these homes.

The VICE PRESIDENT. The Secretary will call the roll.
The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER], who is absent from the Chamber. I therefore withhold my vote.

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. Not observing him in the Chamber, I withhold my vote for the present.

Mr. FLETCHER (when his name was called). I have a pair with the junior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the junior Senator from Ohio [Mr. POMERENE] and will vote. I vote "yea."

Mr. JAMES (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS].

I transfer that pair to the junior Senator from Louisiana [Mr. RANDELL] and will vote. I vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH]. I transfer that pair to the junior Senator from Wisconsin [Mr. STEPHENSON] and will vote. I vote "nay."

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. Not knowing how he would vote on this question if present, I withhold my vote.

Mr. THORNTON (when Mr. RANDELL's name was called). I wish to announce that the junior Senator from Louisiana [Mr. RANDELL] is absent from the Chamber on account of illness.

Mr. SAULSBURY (when his name was called). I have a pair with the junior Senator from Rhode Island [Mr. COIT]. I transfer that pair to the junior Senator from South Carolina [Mr. SMITH] and will vote. I vote "yea."

Mr. SMITH of Georgia (when his name was called). I have a pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the senior Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE]. In his absence, I withhold my vote.

Mr. CLARK of Wyoming (when Mr. WARREN's name was called). My colleague [Mr. WARREN] is unavoidably absent from the city. He has a general pair with the senior Senator from Florida [Mr. FLETCHER].

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]; but believing for good reason that he would vote just as I shall on this question, I will take the liberty of voting. I vote "yea."

The roll call was concluded.

Mr. GALLINGER. I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the senior Senator from Rhode Island [Mr. LIPPITT] and will vote. I vote "nay."

Mr. SIMMONS. I vote "yea."

Mr. BANKHEAD. I have a pair with the junior Senator from West Virginia [Mr. GOFF]. I transfer that pair to the senior Senator from Arizona [Mr. SMITH] and will vote. I vote "yea."

Mr. BACON. The senior Senator from Minnesota [Mr. NELSON] is absent upon business of the Senate, and I have agreed to protect him while he is engaged on that business. For that reason I withhold my vote, not knowing how he would vote. If he were present, I should vote "yea."

Mr. GALLINGER. I have been requested to announce that the Senator from Idaho [Mr. BORAH] is paired with the Senator from Virginia [Mr. SWANSON], that the Senator from Connecticut [Mr. BRANDEGEE] is paired with the Senator from South Carolina [Mr. TILLMAN], that the Senator from Maine [Mr. BURLEIGH] is paired with the Senator from Tennessee [Mr. SHIELDS], that the Senator from Iowa [Mr. KENYON] is paired with the Senator from New Jersey [Mr. MARTINE], that the Senator from Michigan [Mr. SMITH] is paired with the Senator from Missouri [Mr. REED], and that the Senator from Massachusetts [Mr. WEEKS] is paired with the Senator from Kentucky [Mr. JAMES].

The result was announced—yeas 46, nays 12, as follows:

YEAS—46.			
Ashurst	Hollis	Myers	Smith, Ga.
Bankhead	Hughes	Norris	Smoot
Bradley	Jackson	Owen	Sterling
Bristow	James	Pittman	Stone
Bryan	Johnston, Ala.	Poindexter	Thomas
Chilton	Kern	Robinson	Thompson
Crawford	La Follette	Root	Thornton
Fall	Lane	Saulsbury	Vardaman
Fletcher	Lea	Shaftroth	Williams
Gore	Lewis	Sheppard	Works
Gronna	McLean	Shively	
Hitchcock	Martin, Va.	Simmons	
NAYS—12.			
Brady	Clark, Wyo.	Johnson, Me.	Page
Burton	Dillingham	Jones	Sherman
Catron	Gallinger	McCumber	Townsend
NOT VOTING—38.			
Bacon	du Pont	Overman	Smith, S. C.
Borah	Goff	Penrose	Stephenson
Brandeggee	Kenyon	Perkins	Sutherland
Burleigh	Lippitt	Pomerene	Swanson
Chamberlain	Lodge	Randsell	Tillman
Clapp	Martine, N. J.	Reed	Walsh
Clarke, Ark.	Nelson	Shields	Warren
Coit	Newlands	Smith, Ariz.	Weeks
Culberson	O'Gorman	Smith, Md.	
Cummins	Oliver	Smith, Mich.	

So the motion of Mr. MARTIN of Virginia was agreed to.

The VICE PRESIDENT. The Senate having recessed from amendment No. 2 to House bill No. 2441, the bill stands passed.

INDIAN APPROPRIATION BILL.

Mr. STONE. I ask unanimous consent that the Senate take up House bill 1917, the Indian appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1917) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914, which had been reported from the Committee on Indian Affairs with amendments.

Mr. STONE. I ask that the formal reading of the bill may be dispensed with, and that the amendments of the committee may be acted upon as they are reached in the reading.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Indian Affairs was, on page 2, line 9, after the word "law," to strike out "\$220,000" and insert "\$200,000," so as to read:

For the survey, resurvey, classification, appraisalment, and allotment of lands in severalty under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey and allotment of lands in severalty to Indians; and for the survey and subdivision of Indian reservations and lands to be allotted to Indians under authority of law, \$200,000, to be repaid proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purpose and to remain available until expended.

The VICE PRESIDENT. Without objection—

Mr. LANE. There is a matter concerning this which I should like to have explained. I am not familiar with the procedure here as to the way the bill is to be considered. Is each clause to be considered by itself?

The VICE PRESIDENT. The bill is now being read for action on the amendments of the committee.

Mr. GALLINGER. I will inquire if the proposed amendment of the committee has been read.

The VICE PRESIDENT. The first amendment has been read. The Chair was inquiring whether there was any objection to the amendment. Is there objection to the amendment?

Mr. LANE. To what amendment?

The VICE PRESIDENT. To the amendment on page 2, line 9.

Mr. LANE. The amendment reducing the appropriation from \$220,000 to \$200,000?

The VICE PRESIDENT. That is the amendment.

[Mr. LANE addressed the Senate. See Appendix.]

Mr. PITTMAN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Lewis	Sherman
Bacon	Gore	McCumber	Shively
Bankhead	Gronna	McLean	Smith, Ga.
Brady	Hitchcock	Myers	Smoot
Bristow	Hollis	Norris	Sterling
Bryan	Hughes	O'Gorman	Stone
Burton	Jackson	Owen	Thomas
Catron	James	Page	Thompson
Chamberlain	Johnson, Me.	Pittman	Thornton
Chilton	Johnston, Ala.	Polindexter	Townsend
Clapp	Jones	Robinson	Vardaman
Clark, Wyo.	Kern	Root	Williams
Crawford	La Follette	Saulsbury	Works
Dillingham	Lane	Shafroth	
Fall	Lea	Sheppard	

Mr. THORNTON. I desire to announce the absence of the junior Senator from Louisiana [Mr. RANSDELL] from the Chamber on account of illness. I ask that this announcement stand for the day.

The VICE PRESIDENT. Fifty-eight Senators have answered to their names. There is a quorum present.

Mr. STONE. It is growing late, and I wish to ask unanimous consent that the bill before the Senate be made the unfinished business of the Senate.

The VICE PRESIDENT. It becomes that on the adjournment.

Mr. STONE. If that is the case—

Mr. SMOOT. Automatically, under the rules.

Mr. LA FOLLETTE. It will be the unfinished business.

The VICE PRESIDENT. It will be the unfinished business on adjournment.

ADJOURNMENT TO TUESDAY.

Mr. KERN. I move that when the Senate adjourns to-day it adjourn to meet on Monday next at 12 o'clock.

The motion was agreed to.

Mr. KERN subsequently said: I move to reconsider the vote by which the Senate agreed that when it adjourns to-day it be to meet on Monday next at 12 o'clock m.

The motion to reconsider was agreed to.

Mr. KERN. I move that when the Senate adjourns to-day it be to meet on Tuesday next at 12 o'clock m.

The motion was agreed to.

RECEPTION OF HON. LAURO MULLER.

Mr. O'GORMAN. Mr. President, Dr. Lauro Muller, the secretary of state of the Republic of the United States of Brazil, is in the anteroom. I ask unanimous consent that the distinguished visitor be invited to enter the Chamber, and for that purpose that the Senate take a recess of 10 minutes so that he may have an opportunity of being presented to the Vice President and Senators.

I may add that the distinguished Brazilian comes to this country on an errand of comity and friendship. I know he will be gratified with the opportunity to meet the Members of this Chamber, and I may confidently assert that Senators will be glad to meet him.

The order submitted by Mr. O'GORMAN was read and unanimously agreed to, as follows:

Ordered, That the minister of foreign affairs of Brazil, Dr. Muller, be admitted to the privileges of the floor of the Senate, and that to enable the Members of the Senate to exchange courtesies with him the Senate do now stand in recess for a period of 10 minutes.

The Senate thereupon took a recess for 10 minutes, during which time the Senators paid their respects to the distinguished visitor. At the expiration of the recess (at 5 o'clock and 30 minutes p. m.) the Senate was again called to order by the Vice President, who said:

I am directed by Dr. Muller to extend his thanks to the Members of the Senate and his appreciation of the courtesy extended to him, and although I do not understand the language in which he spoke, yet I will express his words in Hoosier language, which are that he considers this a red-letter day of his visit to this Republic.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 50 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 15 minutes p. m.) the Senate adjourned until Tuesday, June 17, 1913, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate June 13, 1913.

ASSISTANT TREASURER OF THE UNITED STATES.

Willard D. Vandiver, of Missouri, to be Assistant Treasurer of the United States at St. Louis, Mo., in place of Oscar L. Whitelaw, whose term of office expired by limitation May 31, 1913.

COLLECTOR OF INTERNAL REVENUE.

Milton A. Miller, of Oregon, to be collector of internal revenue for the district of Oregon, in place of David M. Dunne, superseded.

MINISTERS.

William E. Gonzales, of South Carolina, to be envoy extraordinary and minister plenipotentiary of the United States of America to Cuba, vice Arthur M. Beaupré, resigned.

Benjamin L. Jefferson, of Colorado, to be envoy extraordinary and minister plenipotentiary of the United States of America to Nicaragua, vice George T. Weitzel, resigned.

Edward J. Hale, of North Carolina, to be envoy extraordinary and minister plenipotentiary of the United States of America to Costa Rica, vice Lewis Einstein, resigned.

RECEIVERS OF PUBLIC MONEYS.

Otto R. Meyers, of North Dakota, to be receiver of public moneys at Dickinson, N. Dak., vice William A. McClure, term expired.

Harry L. Gandy, of Wasta, S. Dak., to be receiver of public moneys at Rapid City, S. Dak., vice Myron Willsie, term expired.

REGISTER OF THE LAND OFFICE.

Wade H. Fowler, of Ross, Wyo., to be register of the land office at Douglas, Wyo., vice Nathaniel Baker, removed.

PROMOTION IN THE ARMY.

Chaplain Washington W. E. Gladden, Twenty-fourth Infantry, to be chaplain with the rank of captain from June 8, 1913.

PROMOTIONS IN THE NAVY.

Ensigns to be lieutenants (junior grade) in the Navy from the 6th day of June, 1913:

Howard M. Lammers, and
Samuel S. Payne.

Midshipmen to be ensigns in the Navy from the 7th day of June, 1913:

William H. P. Blandy,
Everett Le R. Gayhart,
George A. Andrews,
Henry L. Abbott,
James C. Jones, jr.,
Herman E. Keisker,
Thomas M. Searles,
Glenn B. Davis,
Bruce G. Leighton,
Earl F. Enright,
Frederick G. Crisp,
Palmer H. Dunbar, jr.,
Cullen H. Want,
Roy J. Wilson,
Charles P. McFeaters,
Carl E. Hoard,
Harold C. Van Valzah,
Charles N. Ingraham,
Thomas M. Shock,
Adolph von S. Pickhardt,
Stewart F. Bryant,
Paul A. Stevens,
Kenneth R. R. Wallace,
George W. Wolf,
William B. Jupp,
Robin B. Daughtry,
William I. Causey, jr.,
Walter Seibert,
James T. Mathews,
Frank L. Johnston,
Richard H. Knight,
George L. Greene, jr.,
Hugh L. White,
Reginald S. H. Venable,
Charles C. Helmick,
Norman C. Gillette,
John A. Brownell,
Thomas Shine,
Roy Dudley,
Laurence Wild,
Lloyd R. Gray,
Herbert K. Fenn,
George D. Hull,
James E. Brenner,
Solomon H. Geer,
Paul Hendren,
Chapman C. Todd, jr.,
Henry M. Briggs,
Paul Cassard,
Walter O. Henry,
Clay L. Pearse,
John N. Kates,
Carl T. Hull,
Thomas G. Berrien,
Jesse R. Henderson,
Eric F. Zemke,
George M. Tisdale,
Edward J. O'Keefe,
Bernard T. Hunt,
William L. Wright,
Hamilton V. Bryan,
Elroy L. Vanderkloot,
Wilbur J. Ruble,
John R. Palmer,
John Le V. Hill,
Hartwell C. Davis,
Robert H. Grayson,
Terry B. Thompson,
John L. Hall,
Laurance T. Du Bose,
James H. Strong,
Arthur G. Robinson,
Frederic W. Dillingham,
Walter E. Doyle,
Hardy B. Page,
Karl E. Hintze,
George B. Junkin,
William W. Meek,
Justin McC. Miller,

Oliver L. Downes,
Ellsworth E. Davis,
Harry R. Gellerstedt,
Charles J. Parrish,
Paulus P. Powell,
Roy Pfaff,
Benjamin H. Lingo,
Earl H. Quinlan,
Louis J. Roth,
George S. Dale,
Clarke Withers,
Samuel N. Moore,
Tunis A. M. Craven,
Stuart E. Bray,
William G. B. Hatch,
Arthur S. Walton,
Paul J. Searles,
Samuel S. Thurston,
Arthur W. Dunn, jr.,
Valentine Wood,
Philip C. Ransom,
Leo H. Thebaud,
Jerome A. Lee,
Leman L. Babbitt,
Henry A. Seiller,
James R. Webb,
Alfred H. Donahue,
Horace W. Pillsbury,
John D. Jones,
Walker Cochran,
William Masek,
Thomas W. McGuire,
Julian B. Timberlake, jr.,
Edmund S. McCawley,
Laurence W. Clarke,
Langdon D. Pickering,
Robert D. Kirkpatrick,
Michael Hudson,
Andrew L. Haas,
Gordon Hutchins,
Arnold Marcus,
Franklin B. Conger, jr.,
Henry F. Floyd,
Ligon B. Ard,
Raymond Asserson,
Joseph H. Hoffman,
Jesse H. Smith,
David R. Lee, and
Harold P. Parmelee.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 13, 1913.

COLLECTOR OF CUSTOMS.

William H. Berry to be collector of customs for the district of Philadelphia, Pa.

PROMOTIONS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade):

Kirkwood H. Donavin,
William R. Smith, jr.,
Frank J. Wille,
Elwin F. Cutts,
John C. Latham,
Clarence C. Thomas,
Stuart O. Greig,
Charles M. James,
Joseph S. Hulings, and
Franklin P. Conger.

Passed Asst. Surg. Albert J. Geiger to be a surgeon.

Benjamin F. Iden, jr., to be an assistant surgeon in the Medical Reserve Corps.

Second Lieut. Edward M. Reno to be a first lieutenant in the Marine Corps.

Second Lieut. Joseph D. Murray to be a first lieutenant in the Marine Corps.

Lieut. Col. Charles L. McCawley to be a quartermaster in the Marine Corps with the rank of colonel.

Maj. William B. Lemly to be an assistant quartermaster in the Marine Corps with the rank of lieutenant colonel.

Professor of Mathematics Guy K. Calhoun to be a professor of mathematics in the Navy with the rank of lieutenant (junior grade).

POSTMASTERS.

ALABAMA.

H. T. Brown, Calera.
J. A. Cluck, Bridgeport.

H. H. Farrar, Blocton.
J. A. Huggins, Oakman.
Welborn V. Jones, Auburn.
Henry C. Oswalt, Fairhope.
James H. Shepherd, Cordova.

DELAWARE.

John P. Murphy, New Castle.
William H. Robinson, Milford.

HAWAII.

M. J. Borges, Schofield Barracks.
Harry D. Corbett, Hilo.
A. F. Costa, Walluku.
H. H. Plemer, Waiakala.
J. M. Souza, Kohala.

ILLINOIS.

William Champion, Granite City.
Harry Holland, Marion.

KANSAS.

R. H. Miles, Lyndon.
Martin Miller, Fort Scott.

KENTUCKY.

D. B. Fields, Olive Hill.

MASSACHUSETTS.

John Howe, North Brookfield.

MONTANA.

John Dailey, Medicine Lake.
B. L. Golden, Sheridan.
Harry S. Green, Big Sandy.
William Krofft, Chouteau.

NEW JERSEY.

William J. Wolfe, Chatham.

NEW YORK.

J. F. Metoskie, Hillburn.

PENNSYLVANIA.

Harry Hagan, Uniontown.
John A. Kramer, Middletown.
Robert W. Lange, Belle Vernon.
R. J. McGee, Dunbar.
Albert E. Rumberger, Patton.
William L. Saylor, Annville.
A. J. Sweeny, Gallitzin.

SOUTH DAKOTA.

J. E. McNeill, Wessington.

WASHINGTON.

W. H. Padley, Reardan.

HOUSE OF REPRESENTATIVES.

FRIDAY, June 13, 1913.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, teach us patience, forbearance, courage, fortitude, the spirit of self-sacrifice in the routine duties of daily life, that we may build in the tissues of our being a character which, when the crucial test shall come twixt honor and dishonor, shall be strong enough to resist the evil and pursue the right. Since it is the sum of the small duties which make for the greater things in life and which make heroes of men in great crises, which often come without warning, so help us, under Thy guidance, to quit ourselves like men in all the circumstances of life. In the spirit of the Master, amen.

The Journal of the proceedings of Tuesday, June 10, 1913, was read and approved.

ADJOURNMENT UNTIL TUESDAY NEXT.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Tuesday next.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that when the House adjourns to-day it adjourn to meet on next Tuesday. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2258. An act to extend the proposed reorganization of the customs service for a period of two years.

DECISION IN MINNESOTA RATE CASES.

Mr. HARDWICK. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Georgia [Mr. HARDWICK] asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

House resolution 170.

Resolved, That 15,000 copies of the decision of the Supreme Court of the United States in the Minnesota rate cases, Nos. 291, 292, and 293, George T. Simpson et al., appellants, v. David C. Sheppard et al., decided June 9, 1913, be printed for the use of the House, the same to be distributed through the folding room of the House.

Mr. MURDOCK. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Georgia [Mr. HARDWICK] if this includes all the cases related to the Minnesota case?

Mr. HARDWICK. Yes; it includes all three decisions embraced in the Minnesota cases.

Mr. MURDOCK. The Senate print which I have covers case No. 291. This resolution covers the entire case, so far as the Supreme Court is concerned?

Mr. HARDWICK. Yes; it does.

Mr. MURDOCK. I have no objection, Mr. Speaker.

Mr. TAYLOR of Colorado. Mr. Speaker, reserving the right to object, I would like to inquire whether or not it is necessary to have this number printed, in view of the fact that the Senate has already ordered 10,000 copies printed?

Mr. HARDWICK. That is for their own use, and we shall not get any of them. The Members of the House are getting requests from lawyers and commissioners and others, and there is a large demand for copies. The Senate has printed 10,000 copies. We ask only 15,000 for the use of the Members of the House. That will give the Members of the House 30 or 35 copies apiece, and that is not too many.

Mr. TAYLOR of Colorado. I doubt if it is necessary to have the document duplicated in that way.

Mr. HARDWICK. It is necessary for the House to provide for its own quota.

Mr. HAYES. Mr. Speaker, may I inquire if the copies are to be distributed through the folding room?

Mr. HARDWICK. Yes; through the folding room. Each Member is to get his exact share.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the resolution. The resolution was agreed to.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES.

Mr. ALEXANDER. Mr. Speaker, I desire to ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

House resolution 171.

Resolved, That the Committee on the Merchant Marine and Fisheries shall be, and is hereby, authorized during the Sixty-third Congress to have such printing and binding done as may be necessary for the transaction of its business.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

COMMITTEE ON AGRICULTURE.

Mr. LEVER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from South Carolina [Mr. LEVER] asks unanimous consent for the immediate consideration of the resolution which the Clerk will report:

The Clerk read as follows:

House resolution 172.

Resolved, That the Committee on Agriculture be authorized to procure such printing and binding as shall be necessary for the discharge of the work of said committee during the Sixty-third Congress.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

COMMITTEE ON MINES AND MINING.

Mr. FOSTER. Mr. Speaker, I offer the following resolution, and ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

House resolution 173.

Resolved, That the Committee on Mines and Mining is hereby authorized to have such printing and binding done as may be necessary in the transaction of its business during the Sixty-third Congress.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

CALIFORNIA ALIEN LAND LAW.

Mr. J. R. KNOWLAND. Mr. Speaker, I ask unanimous consent to have printed in the Record a copy of the California alien land act. There has been quite a demand for it.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

The document referred to is as follows:

An act relating to the rights, powers, and disabilities of aliens and of certain companies, associations, and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, and repealing all acts or parts of acts inconsistent or in conflict herewith.

The people of the State of California do enact as follows:

SECTION 1. All aliens eligible to citizenship under the laws of the United States may acquire, possess, enjoy, transmit, and inherit real property, or any interest therein, in this State in the same manner and to the same extent as citizens of the United States, except as otherwise provided by the laws of this State.

SEC. 2. All aliens other than those mentioned in section 1 of this act may acquire, possess, enjoy, and transfer real property, or any interest therein, in this State in the manner and to the extent and for the purposes prescribed by any treaty now existing between the Government of the United States and the nation or country of which such alien is a citizen or subject, and not otherwise, and may, in addition thereto, lease lands in this State for agricultural purposes for a term not exceeding three years.

SEC. 3. Any company, association, or corporation organized under the laws of this or any other State or nation, of which a majority of the members are aliens other than those specified in section 1 of this act, or in which a majority of the issued capital stock is owned by such aliens, may acquire, possess, enjoy, and convey real property, or any interest therein, in this State in the manner and to the extent and for the purposes prescribed by any treaty now existing between the Government of the United States and the nation or country of which such members or stockholders are citizens or subjects, and not otherwise, and may, in addition thereto, lease lands in this State for agricultural purposes for a term not exceeding three years.

SEC. 4. Whenever it appears to the court in any probate proceeding that, by reason of the provisions of this act, any heir or devisee can not take real property in this State which, but for said provisions, said heir or devisee would take as such, the court, instead of ordering a distribution of such real property to such heir or devisee, shall order a sale of said real property to be made in the manner provided by law for probate sales of real property, and the proceeds of such sale shall be distributed to such heir or devisee in lieu of such real property.

SEC. 5. Any real property hereafter acquired in fee in violation of the provisions of this act by any alien mentioned in section 2 of this act, or by any company, association, or corporation mentioned in section 3 of this act, shall escheat to and become and remain the property of the State of California. The attorney general shall institute proceedings to have the escheat of such real property adjudged and enforced in the manner provided by section 474 of the political code, and title 8, part 3, of the code of civil procedure. Upon the entry of final judgment in such proceedings the title to such real property shall pass to the State of California. The provisions of this section and of sections 2 and 3 of this act shall not apply to any real property hereafter acquired in the enforcement or in satisfaction of any lien now existing upon or interest in such property so long as such real property so acquired shall remain the property of the alien company, association, or corporation acquiring the same in such manner.

SEC. 6. Any leasehold or other interest in real property less than the fee hereafter acquired in violation of the provisions of this act by any alien mentioned in section 2 of this act, or by any company, association, or corporation mentioned in section 3 of this act, shall escheat to the State of California. The attorney general shall institute proceedings to have such escheat adjudged and enforced as provided in section 5 of this act. In such proceedings the court shall determine and adjudge the value of such leasehold or other interest in such real property, and enter judgment for the State for the amount thereof, together with costs. Thereupon the court shall order a sale of the real property covered by such leasehold or other interest in the manner provided by section 1271 of the code of civil procedure. Out of the proceeds arising from such sale the amount of the judgment rendered for the State shall be paid into the State treasury and the balance shall be deposited with and distributed by the court in accordance with the interest of the parties therein.

SEC. 7. Nothing in this act shall be construed as a limitation upon the power of the State to enact laws with respect to the acquisition, holding, or disposal by aliens of real property in this State.

SEC. 8. All acts and parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

BUSINESS CONDITIONS IN THE UNITED STATES.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. The gentleman from Tennessee [Mr. AUSTIN] asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. AUSTIN. Mr. Speaker, I commend to the thoughtful and patriotic consideration of the present national administration, the Members of both Houses of Congress, to the press, and the American people the following wise and able editorial which

appeared in the Journal of Commerce of New York City on June 10, 1913. This paper supported President Wilson in the last campaign.

GIVE BUSINESS, BIG AND LITTLE, A FAIR CHANCE.

Except for the tremendous absorption of capital in public and private undertakings and expenditures for purposes which are wasteful or non-productive, or from which no immediate return is to be expected, causing a scanty supply for present demands and consequent high rates, conditions appear to be favorable in this country for prosperous industry and trade—that is to say, for "business." Last year we had abundant crops and fairly remunerative industries, and the prospects for this year would be unclouded but for seething omens which appear in the political heavens and have been lowering over the country for several years with dubious and shifting menaces. There are no clear signs of trouble or of danger, but there is uncertainty and the fear which uncertainty breeds. There is hesitation and holding back, because calculations can not be made with the confidence that induces men to move hopefully forward. Business is in a nervous condition from which it needs relief if it is to escape prostration.

No doubt, as in other cases of nervous disorder, this condition has been brought about by bad ways of living in the past, errors and excesses, which required somewhat drastic treatment for their correction; but such treatment is apt to be exhausting and becomes dangerous if carried beyond normal limits. There have been abuses growing out of "privileges" granted by the Government in protecting domestic industries from foreign competition by excessive duties on imports, encouraging high cost of production, lax management, and abnormal prices in the home market. Partly as the result of this, there have been the evils of "trusts" and combinations to strangle domestic competition and exact excessive profits for the few at the expense of the many, enabling the strong and unscrupulous to crush out or swallow up those who have not the same advantages. Accompanying this there have been vigorous promotions and exploitations, entailing overcapitalization and speculative profits for those who escape the burdens and responsibilities of the actual conduct of business operations, concealing large profits for the successful and causing undeserved loss and failure to others. In the great field of transportation and interchange a few years ago there were abuses of discrimination, unfair rates, and charges, favors to some and injury to others, that the aggregate of earnings and profits might be increased, regardless of the injustice inflicted in detail upon the shipping and trading public.

These evils and abuses are now generally acknowledged. They caused complaints, bred discontent and unrest, and created a feeling of hostility to powerful capitalists, magnates of corporations, and captains of industry. They produced popular agitation, which was taken up by politicians, naturally and legitimately, but with a tendency to foment and aggravate them in order to gain popular favor and personal advancement. They led to legislation against "trusts" and combinations in restraint of trade and attempts at monopoly, and for the regulation of interstate commerce to put an end to excesses and abuses and establish just and reasonable conditions. The aim was to restore equality of opportunity and give all a fair chance in legitimate competition. Laws once instituted had to be enforced by prosecutions where necessary, and there was sometimes need of stern measures and severe penalties. Combinations had to be dissolved and wrongs indemnified so far as practicable, and tentative measures had to be strengthened. This remedial process has been going on for a series of years with the general support of public opinion, and it has been accomplishing its purpose more effectually than is generally recognized. A change of sentiment has been effected throughout the country which will prevent a relapse from what has been gained, and the time has come for moderating the treatment. It has become exhausting and needs now to be made recuperative.

There are many evidences of an acknowledgment of former errors, an acceptance of correction, and a willingness to comply with reasonable restrictions and requirements. There is a disposition, even an anxiety, to work in harmony with reasonable measures of regulation, to avoid grounds of complaint, and to cooperate with public authority for the restoration of confidence and good feeling and a return of prosperity in which all shall have a fair chance. The time has come for a considerate, encouraging, and helpful policy on the part of legislators and the Government. The tariff revision was necessary and must be completed, and there will have to be a more or less painful adjustment to changes; but there should be every effort to mitigate so far as possible the incidental suffering of such a remedial operation. Every unlawful or injurious combination of capital must be avoided, and continued vigilance will be necessary to maintain the observance of law. Railroads must be held to the rule of reason and equity in their rates and charges and the treatment of shippers and of the public which they are chartered to serve, but they must be permitted sufficient freedom to be able to perform effectively the service required of them.

The time has come for "letting up" on the policy of denunciation and harassing, of menace and threats where no new offense is committed or intended, and of further drastic legislation and prosecution while that which has been done is working out its effect with apparent success and wholesome results. Business is waiting to recuperate, to gain strength and proceed on its prosperous way again. Give it a chance. See that it has a fair chance where it is working in a small way in the vast field of competition, but do not hinder its accomplishment in a large way where it is equipped for it and pursues methods that are legitimate and lawful. The business of the country has grown to vast dimensions and commands large resources and ability for its conduct. Much of it must be done on a large scale by organized forces and skillful management to achieve the best results in the aggregate; but that need not prevent an equitable distribution of the proceeds and a general diffusion of benefit. What is most needed now is less activity of demagogues and crusaders, less agitation and outcry, and more comfort and encouragement for those who are striving honorably to restore prosperity to the country.

THE PHILIPPINES.

Mr. TOWNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record to include a statement by the Right Rev. Charles Henry Brent, Protestant Episcopal Bishop of the Philippines.

The SPEAKER. The gentleman from Iowa asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

The matter referred to is as follows:

[From the New York Tribune, New York, N. Y., Apr. 21, 1913.]
 FILIPINOS, IF FREE, PREY TO INVADERS—WOULD ULTIMATELY BE DEVOURED, SAYS BISHOP BRENT, WERE UNITED STATES TO RELINQUISH ISLAND RULE—MUST ATTAIN TO STRENGTH—DISTINGUISHED CHURCHMAN SUGGESTS THAT SEVERELY NONPOLITICAL COMMISSION INVESTIGATE CONDITIONS—NATION'S REPUTATION AT STAKE.

By the Right Rev. Charles Henry Brent, Protestant Episcopal Bishop of the Philippines.

"The principles involved in the Philippine problem are so far-reaching that there is no question upon which the Nation could more readily wreck its reputation." (Bishop Brent.)

"In this brief survey of Philippine affairs it will be my endeavor to separate facts from fancies and to strip the problem of secondary considerations. At an earlier stage in my experience I might have spoken with the same tone of infallibility which characterizes the utterances of those doughty champions of the Filipinos, who, clothed in the soft raiment of homespun theories, view the battle from afar. I have no solution of the Philippine problem to offer. My sole purpose is to urge upon the American Government slow speed and not to discard a good policy until sure of a better.

"No certainty can be reached without a study of facts. Ce ne sont pas les théories qui doivent nous servir de base dans la recherche des faits, mais ce sont les faits qui doivent nous servir de base pour la composition des théories. (It is not theories which should be used by us as a basis in the search for facts, but facts which should be used by us as a basis for the upbuilding of theories.)

"The first fact to face is one which admits of no dispute. It is that America is in the control of the Philippines, and upon her wisdom or unwisdom hangs the fate of 9,000,000 Filipinos. Whether we erred in assuming such a responsibility is aside from the question. If America had not accepted it from unselfish motives, another nation would have seized it from motives of self-interest, and at this date liberty would sit mourning without the gates of the Philippines instead of reigning throughout her borders.

"The Philippines to-day enjoy a measure of self-government hitherto unknown to dependencies save in the Anglo-Saxon overseas dominions of Great Britain, and the responsibility of America is to further the progress of self-government to the utmost of her ability and the Filipino's capacity.

ATTAINMENT REQUISITE.

"Thus are we brought to a second indisputable fact. We are pledged to execute our responsibility of control as a trust to be administered with rather than for the Filipino. That is to say, we are to train him by cooperative methods in the principles of self-government until he has attained, and then, if he so elects, surrender to him, the rights which belong to a full-grown nation. It is here that we arrive at the parting of the ways.

"The dispute, however, is not one of imperialism and anti-imperialism. It befalls the issue to employ such terms. The question resolves itself into one of good judgment. The opposing camps differ only in the matter of time. There are those who say now; others who saw to-morrow; still others who say day after to-morrow.

"If desire implied ability, the clamor for independence on the part of the Filipinos, which just now is more widespread than at any time in their history, would be the signal for our withdrawal, but only their achievements can determine their ability. A severely nonpolitical commission, composed of men of the type of, say, President Edwin A. Alderman and Seth Low, might be appointed to advantage by the President to undertake a patient and thorough investigation of the situation. A careful study should be made of the Malolos government of 1899, the character of provincial and municipal government up to date, the use of the franchise, the extent to which peonage and kindred evils prevail, the records of the assembly, and the constructive work, religious, scientific, educational, and industrial, accomplished under the present policy.

"It is, to say the least, dangerous to argue on the theory that any autonomy, no matter how slovenly, is preferable to alien rule with 'higher political efficiency' as its motto. There are moments, at any rate, as in Cuba, Santo Domingo, Nicaragua, and Mexico, when alien interference or even alien rule for a while is not counted amiss by our most fanatical individualists. It is for this reason that I say let us proceed from facts to theory. The facts are to be had for the asking, and the Philippine policy should stand or fall upon its record.

HOSTILE TO CHRISTIANS.

"A third fact is that the Philippine problem has a puzzling complexity, due to its island character and diversified population, of which one-tenth is composed of primitive folk of the hills and fanatical sons of Islam. The recognized leaders in the Philippines to-day, so far as racial qualifications are con-

cerned, would have at least equal right to claim citizenship in Spain, China, or England. Thus far it is the men of mixed blood who are the politicians. The degree of capacity in the Filipino will not be revealed until the schoolboys of to-day are in active public life. Even among the Christianized peoples, because of their many tongues and limited though increasing intercommunication, there are sectional jealousies, but the wild peoples have a marked antipathy for their Christian neighbors because of a past history of harsh and unfair treatment at their hands.

"It is owing solely to the prodigious industry of the secretary of the interior of the Philippine Islands and his sincere enthusiasm for the welfare of the inhabitants of the mountain Province that a notable work of protection and development has been begun, which no one less well informed than he could continue effectively.

"As for the Moros, they are the traditional enemies of the Filipinos, as the ruined watch towers of the coast, even of northern islands, testify, nor has animosity diminished with time. Though there has probably been more order in the Moro Province since the beginning of the American occupation than during any corresponding period of time in history, the island of Jolo has steadily baffled the attempts of our ablest officers and administrators to pacify it. The withdrawal of the Spanish was the signal for outrages upon Christianized Filipinos within immediate reach of Moros, and there is no reason to suppose that history would fail to repeat itself the moment American control ceased.

PROBLEM INTERNATIONAL.

"Finally it must be recognized that the Philippine problem can not be settled without reference to its international bearing. Neutralization has been proposed. But can American or any other diplomacy secure the neutrality of the powers? Would it mean anything if promises of neutrality were made? Is it not so that, though no existing military power, east or west, would fight America in order to secure possession of the Philippines, there are at least two nations which would seize the first opportunity for interference if American sovereignty ceased? Can America afford to protect a government halfway round the world which she does not actually and constructively control? She has found it difficult enough with one near at hand.

"It appears to me that it would be a measure of quixotry beyond the most altruistic administration to stand sponsor for the order of an experimental government of more than doubtful stability 10,000 miles from our coasts. When the Philippines achieve independence they must swallow the bitter with the sweet and accept the perils as well as the joys of walking alone. There are national risks involved, even in a limited protectorate, to which I trust America will never expose herself.

"I have said nothing about the interests of American commerce which has grown up in the Philippines, because it is not to the point. The most it can ask is an equitable protection and consideration, such as the presence of the American flag guarantees. Nor have I made any appeal for the retention of the present personnel of government, for I believe officeholders should stand or fall on their record, though it would indeed be a national calamity to degrade the Philippine question into a ball for party politicians and office seekers to buffet. My sole thought is for the enduring welfare of the Filipino people and the honor and wisdom of the American Nation in the execution of a great trust.

"My own conviction of our present duty, based on 11 years of observation and experience, is summed up in words written in relation to another dependency, but which I apply with a few verbal alterations to our own case:

"The people of the Philippines require our rule. We are not in the Philippines for our pleasure or profit. If we were, it would be the most natural thing in the world to say that the game is not worth the candle as soon as intense difficulties and dangers arise and leave the Philippines to go to perdition in their own way. But we can not do that.

"We are in the Philippines because we are required there. If our rule were removed, at this juncture at any rate, the Philippines would at once become a prey to the strongest of the sectional aggregations, and they in turn would ultimately be devoured by intruders from outside the borders of the Philippines. * * * We do not know how to leave the Philippines, and therefore let us see if we know how to govern them."

OKLAHOMA AND ITS POTENTIALITIES.

Mr. MORGAN of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by including an interview with Gov. Cruce, published in the Manufacturers' Record.

The SPEAKER. The gentleman from Oklahoma [Mr. Morgan] asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. MORGAN of Oklahoma. Mr. Speaker, the Manufacturers' Record, of Baltimore, in its issue of June 12, 1913, under editorial correspondence, publishes an interview with the Hon. Lee Cruce, the governor of Oklahoma. The article is entitled "Oklahoma and its potentialities." In the organization of the new State political controversies and problems of state were given prominence at home and attracted wide attention throughout the Union. To-day the people of Oklahoma, more than ever before, are giving emphasis to the material development of the State. Capitalists, investors, manufacturers, and business seekers from other States are recognizing the great advantages and the splendid opportunities offered by Oklahoma.

I think it was William McKinley who emphasized the importance of planting the factory beside the farm. In no other State in the Union can this be done so successfully as in Oklahoma. We have the soil, the climate, the seasons, and the intelligent farmers to make Oklahoma one of the richest agricultural States in the Union. We have the oil, gas, coal, and other mineral products which in time will make Oklahoma a great manufacturing State. We have the natural resources which would enable Oklahoma, independent of the outside world, to feed, clothe, sustain, and support its own population—with all the comforts of life and many of the luxuries. Agriculture and manufacturing are the two great fundamental industries upon which other business interests are based and from which they draw support. The development of these two great industries side by side in the same State guarantees that Oklahoma will become one of the greatest wealth-producing States of the Union. My purpose, however, at this time is not to express my own ideas but to place in the CONGRESSIONAL RECORD the statement made by Gov. Lee Cruce. By the consent of the House I print the correspondence above referred to.

The article in the Manufacturers' Record is as follows:

GOV. CRUCE ON OKLAHOMA AND ITS POTENTIALITIES.

[Editorial correspondence Manufacturers' Record.]

OKLAHOMA CITY, OKLA., June 1.

In discussing the general outlook for Oklahoma, based on its rich resources, Gov. Lee Cruce said:

"In my opinion there is no other State in the Union as richly endowed with natural resources as is Oklahoma. The people of the State are just beginning to realize the immense supply of mineral deposits that underlie our soil, and capital from other States seeking profitable investment is becoming acquainted at last with our natural resources.

"A number of years ago Oklahoma was regarded merely as a grazing region, and later on, when the rush of immigration into the State attracted the attention of the country, public interest was centered upon the utilization of its farm lands and in building cities.

"The mineral resources of the State at that time were practically undiscovered, and even to-day the country at large has but slight conception of the extent and variety of the mineral wealth of the State. In a general way it has become known that this State is one of the world's greatest oil-producing regions and that our gas fields are almost without limit, but the value of the oil industry is hardly recognized or its importance understood. Last year the oil production of the State was 52,000,000 barrels. For several years the price has ranged from 30 to 48 cents per barrel. At these figures the profit was comparatively small. Oil is now selling in Oklahoma at 88 cents per barrel, and in a good many cases the highest grades of oil bring a premium, in some instances amounting to 10 cents per barrel. This advance in price has resulted in greatly stimulating the industry, and it is quite probable that the production this year will exceed 60,000,000 barrels and that the value of this year's output will not be far from \$60,000,000. Even these figures will be enlarged by the added value which is given by refining a portion of the oil in this State. Heretofore most of our oil has been piped out as crude oil, to be refined elsewhere, but these conditions are rapidly changing, and henceforth a large and increasing amount will be refined in the State.

"Again, Oklahoma is the greatest natural-gas region known. The supply apparently is great enough to last many years to come. While much of the gas is wasted, the State and the National Government are bringing about a better handling of the situation and more conservation in protecting our gas supply. Acts passed at the recent session of the Oklahoma Legislature will tend to greater conservation of this resource.

"In the gas-producing region manufacturers are getting this fuel at 3 cents per thousand feet, and in some cases even lower figures are reported. These companies have fuel at a cost so low as to amount almost to free fuel.

"Being a comparatively new Commonwealth, our industrial development has been limited, but the cheapness and abundance of our fuel supply, added to our other mineral resources, is bringing about a widespread interest in manufacturing industries. All over the State there is an active rivalry in securing new manufacturing enterprises, and many important plants for a variety of industries are under construction.

"Our vast stores of oil and gas are supplemented by more than 12,000 square miles of coal of good grade, which places this State among the leading coal areas of the country. In fact, our coal area exceeds by several thousand square miles the coal area of Great Britain, though the amount of coal in the State is probably less than that of Great Britain. Manufacturers are thus protected in the matter of fuel, and in the event of the gas supply becoming exhausted there will be a sufficient supply of coal to meet their needs.

"We have almost limitless stores of high-grade glass-making sand, cement rock, shale, fire-brick clay, granite, and marble and other materials on which to base a great manufacturing life. We have large deposits of asphalt of the highest grade, and this one resource alone, when properly developed, will add millions of dollars to the wealth of Oklahoma.

"Few of the States of the Union, in my opinion, possess the agricultural possibilities of Oklahoma. We are raising 1,000,000 bales of cotton a year and about 150,000,000 bushels of grain, and are transforming these great stretches of prairie that were used formerly for

grazing purposes into productive farms. In addition to this, we are still grazing several million head of cattle, which net the investor a handsome profit.

"During the last year or two railroad building has been inactive, due in part to a general halting of railroad construction throughout the country, and in part to some of our laws, which may have temporarily interfered with railroad building in the State. At the present time there is a kindlier spirit existing between the railroads and the people of the whole State. It is quite probable that at an election to be held in August one of our restrictive railroad laws will be repealed, and I am assured that if this is done we shall have a considerable amount of railroad building by existing lines. The outlook is decidedly encouraging in respect to broader railroad activities throughout the State than for the last few years. Even now two systems are making very considerable extensions, one of them being financed by French capitalists, whose experts reported that their principals have very great faith in the future of this State. It is reported that this group of capitalists has invested about \$18,000,000 in railroad and other operations in this State. Other capitalists upon the Continent and in Great Britain have been putting money freely into oil and gas operations throughout the State.

"Our development as a State has been on sound, safe lines. While we have made some mistakes in legislation and some mistakes in speculation, we have probably fewer mistakes in both than any other rapidly developing section has to its credit or discredit. Indeed, Oklahoma has been very much misrepresented throughout the country in its legislative work. We have probably made fewer mistakes than most other States in legislation, but it so happened that our mistakes were made the spectacular features of newspaper discussions at the time when Oklahoma was so new that everything it did commanded the widest attention. We were criticized throughout the land for every act of legislation on financial or railroad matters, which gave the foundation for newspaper discussion; but we did not receive the credit due the State for much wise legislation that was enacted during that period of evolution from an unknown or undeveloped Territory into a busy, bustling rapidly developing State. We have passed through a pioneering period and have now settled down to regular routine in the betterment of agricultural conditions, in the wise utilization of our oil and gas, in making a beginning in the development of our other mineral resources, and in the sane and safe discussion of all laws bearing on all the interests of the State.

"In times past the railroads, by charging higher rates to points in this State and to near-by States, created for themselves a spirit of hostility which found expression in much of the legislation that has been regarded as inimicable, but now, with a better understanding between the railroads and the people, and with the splendid work which the railroads are doing in attracting men and money and industries into the State, the people of the whole State are disposed to cooperate to the utmost extent with the railroads and their good work and to give them every protection essential to their welfare and to the welfare of the State."

R. H. E.

MAIL-ORDER BUSINESS.

Mr. HINEBAUGH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

THE SPEAKER. The gentleman from Illinois [Mr. HINEBAUGH] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, will the gentleman indicate the subject on which he wishes to extend his remarks?

Mr. HINEBAUGH. On the subject of the mail-order bill which I introduced in the House some time ago.

THE SPEAKER. Is there objection?

There was no objection.

Mr. HINEBAUGH. Mr. Speaker, on the 16th day of May I introduced a bill to provide for a tax upon all persons, firms, or corporations engaged in interstate mail-order business.

The bill is as follows:

A bill (H. R. 5308) to provide for a tax upon all persons, firms, or corporations engaged in interstate mail-order business, and for other purposes.

Be it enacted, etc., That all persons, firms, or corporations in the United States which are now conducting, or which may hereafter conduct, a mail-order business interstate for the purpose of selling goods, wares, and merchandise direct to the consumer shall pay a tax of 1 per cent upon the total cash value of all goods, wares, and merchandise sold within any State.

SEC. 2. That every person, firm, or corporation conducting a mail-order business as defined in section 1 of this act shall keep in proper books, to be provided by the Secretary of the Treasury of the United States, an accurate and complete account of all goods, wares, and merchandise of every character and description so sold, together with the actual selling price of the same.

SEC. 3. That on the 31st day of December, after the passage of this act, and on the 31st day of December of each year thereafter, every person, firm, or corporation engaged in such business shall render a full and complete statement to the Secretary of the Treasury, upon blanks to be furnished by him, of the total cash value of all goods, wares, and merchandise sold during the year in the various States of the United States.

SEC. 4. That the Secretary of the Treasury shall determine the amount of the tax to be paid by each person, firm, or corporation (at the rate of 1 per cent upon the total cash value of all goods, wares, and merchandise sold within any State) engaged in such mail-order business, and shall give notice of the amount of said tax due and payable, pursuant to the terms of this act in such manner as in his judgment is most practicable.

SEC. 5. That every person, firm, or corporation subject to said tax under the provisions of this act and reporting to the Secretary of the Treasury shall pay said tax on or before March 1 of each and every year after this act shall become a law.

SEC. 6. That the Federal courts of the United States shall have power to enforce the collection of said tax upon the application of the Secretary of the Treasury.

SEC. 7. That the Secretary of the Treasury shall apportion said tax among the several States in the ratio of the actual amount of goods sold in each State.

SEC. 8. That the tax so apportioned shall be paid by the Secretary of the Treasury to the various State treasurers entitled thereto; said tax to be used in such manner and for such purposes as the said States may by law direct.

The bill was not introduced on the spur of the moment; it was not presented without serious thought on my part. Untold millions are invested in this business to-day.

One mail-order house in the city of Chicago has 63 acres of floor space. Another one in the same city, according to the statement under oath of its president, made a net profit of \$17,000,000 on last years' business.

A million-dollar building is to be erected by Montgomery Ward & Co. in Kansas City, to duplicate its present nine-story building at Nineteenth and Campbell Streets. This mail-order corporation is also about to enter New York, San Francisco, and Portland. Buildings for them are in course of construction at the present time.

The board of directors, at a recent meeting in New York, approved and authorized an increase in the capital stock from \$500,000 to \$40,000,000. The First National Bank of New York and the Morgan Banking Co. are to finance the proposition. That there is wonderful activity and that capital in almost unlimited quantities is being attracted to this mail-order business is further shown by an article in the Chicago Record-Herald of April 25, 1913, which reads as follows:

Advantages of Uncle Sam's new parcel post were capitalized yesterday when a \$10,000,000 corporation was formed in Chicago to compete with mail-order houses already doing business here.

The Harris Bros. Co., the new concern, was born at a conference held in the Blackstone Hotel, attended by Chicago business men and eastern financiers. It takes over the business of the Chicago House Wrecking Co., a \$2,000,000 concern, the Harris Co., and the Harris Steel & Wire Co.

Interests which controlled these three concerns joined with eastern financiers represented by the Max Oscher Co., a New York banking house, to form the new corporation. It is incorporated under the laws of Delaware. A special license to do business in Illinois was issued by the secretary of state at Springfield yesterday.

CHICAGOANS IN CONTROL.

Chicagoans will remain in control of the new company, but eastern capital will be represented on its board of directors. Officers of the new corporation are the same as those of the Chicago House Wrecking Co. They are:

Abraham Harris, president.
D. C. Harris, vice president.
Frank Harris, treasurer.
S. H. Harris, secretary.

The directors were elected yesterday, but their names will not be made public for a few days.

It was announced that the new parcel post was directly responsible for the formation of the corporation. The men who are interested declare that the experience they have had in the Chicago House Wrecking Co., which is the third in importance of the mail-order houses of the city, shows them that they can operate 50 per cent more economically by taking advantage of the parcel-post rates. The corporation will deal largely in such articles as clothing, boots and shoes, and other wearing apparel of all kinds, which can be shipped by parcel post.

NEW CAPITAL SCHEME.

The new corporation is really a refinancing of the three concerns which the Harris Bros. control. The Chicago House Wrecking Co. has been doing a mail-order business for years. It was originally formed in 1893 to dismantle the World's Columbian Exposition in Chicago, selling the machinery, building material, and other wreckage. It also dismantled the Pan American Exposition in Buffalo, the Trans-Mississippi Exposition in Omaha, and the Louisiana Purchase Exposition in St. Louis. The concern also purchased from the United States Government the equipment which the French installed when they endeavored to build the Panama Canal, selling it for scraps, and removed the Ferris wheel from Chicago to St. Louis just before the opening of the Louisiana Purchase Exposition.

From dismantling exhibitions the company branched out into the business of purchasing the stocks of bankrupt concerns at forced sales. To dispose of these stocks and of wreckage it began doing a catalogue mail-order business. Recently it has been doing a straight mail-order business. It has erected a plant with 950,000 square feet of floor space on a 22-acre tract at West Thirty-fifth and Iron Streets, in the new central manufacturing district.

SELLS HOMES BY MAIL.

The Harris Home Co. has been engaged in the business of selling homes complete by mail, various parts being shipped to purchasers. The Harris Steel & Wire Co. has done a similar business in the steel and wire line.

Harris Bros. Co. takes over the plants of all three concerns. It will erect in the near future two more buildings on the tract at West Thirty-fifth and Iron Streets, which will cost \$250,000.

It will continue the mail-order business done by all the concerns, but the sale of contracting machinery, which formed a large portion of the business of the Chicago House Wrecking Co., will be continued by that concern under the old name.

One of the reasons for the incorporation of the new company was the fact that since the Chicago House Wrecking Co. became an important factor in the mail-order business its name was misleading. Officers of the company said they were continually obliged to correct the impression that it sold nothing except the material and articles it obtained in dismantling buildings, fairs, etc.

BUSINESS WILL GROW.

"There were many who did not realize that we were the third mail-order house in the city," said Maurice Rothschild, general manager of the house-wrecking company. "We will be able to correct that impression now, and with the new capital which we have obtained we will become even more important factors in the mail-order business. We have experimented with the parcel post ever since the new law went into force, and we find that under it we are able to decrease the carrying cost by 50 per cent. We will be able to give purchasers the advan-

tage of this reduction in cost, and we expect to make things lively for the older mail-order houses."

The new company will issue \$2,000,000 in preferred and \$8,000,000 in common stock.

It should be perfectly apparent to every thinking person that the country merchant must go out of business as the great mail-order houses gradually close down upon the local markets.

In eight of our great States many towns have lost population during the last 10 years. Following are the States and the number of towns in each which have shown a decided decrease in their population, due very largely to the effect of the mail-order business:

State:	Number of towns.
Missouri.....	540
Iowa.....	564
Indiana.....	639
Michigan.....	677
New York.....	746
Illinois.....	788
Ohio.....	1,136
Pennsylvania.....	1,520

There is plenty of argument on both sides of this question. It is contended by the friends of the mail-order houses that as a broad economic question the right of the consumer to purchase wherever he can obtain the lowest prices should not be questioned, and that if the expanding mail-order business means the elimination of the country merchant, then the country merchant must go. If such arguments were logically sound, which I do not admit, there is still the social, moral, and religious view to be considered.

The retail merchant is the backbone of the country town. The mail-order house is his worst enemy. The farmer needs the town and the town must have the farmer. "Every resident of a community must be equally interested in the trade-at-home idea. If you spend your money where you get it you will be able to get it where you spend it."

The argument in favor of the country merchant and the danger which threatens him from the mail-order business is so clearly and comprehensively set forth in a communication from J. R. Moorehead to the Illinois vice commission that I am pleased to insert it in my remarks:

MARCH 12, 1913.

Senator EDMOND BEALL,

Member Senate Vice Commission,
Illinois Legislature, Chicago, Ill.

MY DEAR SIR: I am writing this to say that your commission is not only striking at the roots of one of the greatest moral and social evils of our time, but you are also striking at the roots of the greatest economic problem that is now before the people of this country, in my judgment.

There is an actual revolution going on in this country, not only in the affairs of big business but in the affairs of the little business men as well, and the whole subject and the whole question to-day as to how this revolution is going to end, and as to where not only the little business man but the thousands and thousands of towns in the country are going to land, is being decided by those who are in control of the influences and business which you have been investigating and about which we have all been reading the past few days.

To be specific, the question to-day is whether or not the business as conducted by the great department stores and especially by the great mail-order houses is a good thing not only for the people who are living outside of Chicago and the other great centers but even the people of these great cities themselves. The fact is that the distribution of merchandise at retail in this country is fast getting into the hands of these great corporate organizations, and instead of the individual merchant carrying on a business for himself, his own landlord, his own master, owning his own business, and being a part of the community in which he lives, the retail business of the country is being carried on by these great aggregations of capital with the help, aid, and assistance of these girls and women who have been testifying before your committee, rather than by these more than a million individual self-sustaining merchants of the country.

If these conditions continue, not only where is the country town going to land, but how much more aggravated is going to become the very questions you are investigating at this time? For example, recent investigations have shown that 90 per cent of the towns in your State upon one of the great railway systems running between Chicago and St. Louis have less people living in them than they had in 1900; that in the great State of Iowa more than 400 towns have lost population as shown by the census of 1900 and 1910; and in the same period in the State of Missouri 540 towns have lost population, including 38, or one-third, of the county seats. This condition exists to a more or less degree not only in all of the States in this Mississippi and Missouri River Valley, but I believe the investigation we are now making will show this to be the case in practically every State in the Union, except possibly a few in the Southwest and far West, which are kept up by the flow of population to some extent from the other States.

It is not a question alone as to whether merchandise shall be retailed by those million retail merchants or by the great department stores and mail-order houses of the city, but what are the economic, social, moral, political, and religious problems that are growing and must inevitably come up for solution out of this condition.

The small retail merchants of this country of every class and kind are discouraged and disheartened, and know not what the day is going to bring forth, not only for them but for their own immediate families and the communities in which they live. And apparently it would seem that even the Government itself is against the little man in this fight, for just as soon as they combine to combat the influences of the mail-order houses these same mail-order houses come back with the Sherman law as a club and a menace to the little merchant in his attempt to protect himself and the community in which he lives.

The daily newspapers of the cities, which are largely supported by the advertisements of department stores, and the farm papers, which are

largely supported by the mail-order house advertising, of course give very little aid and help to the merchant in the country town, and there has been carried on in this country for the past 10 years such a campaign of advertising in which denunciation and misrepresentation of the little merchant by these great aggregations has prevailed that there are to-day thousands and hundreds of thousands of people living in and about the smaller cities and towns of your State, my State, and all of the States who will not buy a dollar's worth of goods from a home merchant, and who will not even give him a chance to supply their wants because of the prejudice that has been engendered in their minds by this campaign on the part of the department stores and mail-order houses. The little merchant at home only seems to be a necessity to many thousands of our people living about us only when crops fail, when the strike is on, and when they have no money to send away to buy and when it becomes necessary to obtain the necessities of life by credit at the store of the home merchant.

I submit to you that this is creating a condition beside which no other question before us to-day is of such great importance to all of our people. For example, the great mail-order house of Sears, Roebuck & Co. last year offered to give a million dollars to be distributed over this country, \$1,000 to each county which would employ a farm expert to teach our farmers how to improve their crops, the remaining amount necessary to obtain the services of such an expert to be paid by the State, county, the farmers, or the business men of the counties in which such appropriation was made.

I submit to you, sir, that this was the greatest scheme of advertising that has ever been undertaken in this country. Should the whole million dollars be accepted by a thousand counties in the various States there would be 1,000 men going about amongst our farmers who would be compelled out of sheer gratitude to say that this great work which was being done in the interest of the farmer was inaugurated and put on its feet by the greatest mail-order house in the country, and the total sum would be that 13 per cent upon the gross sales of this firm for the year 1912.

I submit to you, sir, that the chances are that very little credit would be given to the local merchant and the commercial clubs of the thousands of towns in the country, who would have to supply not only for the first year at least \$2 for \$1 supplied by the mail-order house, but would be seldom remembered.

In view of what you have learned in the past few days, I submit to you that it would have been a much greater work of charity had this million dollars been distributed during the year of 1912 to the more than 7,000 girls and women who are working for this firm in Chicago.

Another phase has developed to this great scheme of advertising, and that is that the fangs of this company have reached out and taken hold of the agricultural colleges and the political authorities of the State. Whenever a proposition is made to a county to provide one of these experts as supervisor, you never hear that this money is contributed by the mail-order house in Chicago, but you do hear that it is coming from the agricultural department of the State university or government or from some other source. In other words, it has reached that stage when our agricultural colleges and university authorities are ashamed to say where the money is coming from. I submit to you, sir, that not one of these authorities and not a politician in your State or my State would dare accept money in this way from Standard Oil or the International Harvester Co. I am not defending Standard Oil or the Harvester Trust, but it can be said in their favor that at least the Standard Oil Co. permits the home merchant to make a few cents upon oil which they sell, and every live town in the United States has at least one agent or representative selling the machinery of the International Harvester Co., upon which he is permitted to make a profit. Yet here is a great aggregation of capital, the chairman of whose board of directors, I am told, is president of one of the great New York banks, and yet we never hear any outcry because of the fact that Wall Street is attempting a control of the distribution of the necessities of life in this country, as it is being done, we believe, through the great mail-order houses. Away with any suggestions as to tainted money if contributions are to be accepted from such sources to promote agriculture or any other laudable purpose.

Again permit me to say that the other great question involved besides those which you are directly investigating at this time is, Is it a good thing for this country and will it be a good thing for all of the people if the retail business of the country is to be controlled and handled by great corporations employing both women and men at starvation wages, or will it be best for all that they shall be distributed over this country and remain in the hands of the many thousands of merchants who are to-day the prop and stay of every community in which they live in your State, in my State, and all of the others?

I believe your committee has already discovered how this condition is being brought about, and their success is based on the supposition that they sell cheaper than the home merchant. Have you not already discovered that the 50,000 women in Chicago who are living upon starvation wages are paying the price that enables this, if it be true, to be brought about? If these conditions are to be permitted to continue in order that some things may be sold cheaper, and if cheapness is the thing only to be desired, why not repeal our tariff laws that we have had on our statute books for 50 years, if that will cheapen anything? If reducing the tariff will partially cheapen some things, why not remove it entirely, in order that they may become still cheaper, if cheapness is what is to be desired? If we want some things cheaper in this country, why not make it unlawful for labor unions to fix prices on labor? If we want things cheap in this country, why not repeal our immigration laws—let in the Chinese, the Japanese, and Hindu? They could work at one-half the wages received in this country, and that would cheapen some things, if we wanted things merely cheap. If we want to cheapen some things, why do we make laws regulating hours of work for men as well as women? If we want to merely cheapen some things, why not have all of the merchandise of the country distributed by great corporations employing women at starvation wages? Why should we keep a million merchants, with families to support and communities to keep up, when it could be done so much cheaper by the mail-order houses, as indicated?

I submit to you, sir, and your committee that every argument that could be brought against a proposal of legislation looking to any change as above indicated would be a valid argument against the perpetuation or increasing of the facilities of the mail-order house to do business, and the elimination of the retail merchant and the many communities outside of our great centers.

You have already, as I have said, discovered that there are some things already too cheap in the great city of Chicago; and, in conclusion, permit me to say that there are a few other things that are too cheap in this country, and they are the reputations and standing of the million little merchants of the country when they are attacked by mail-order houses as being thieves and robbers and an unnecessary part of the economy of the country.

Pardon this lengthy discussion at this time, but believing that it is apropos to the occasion of your investigation now going on is my excuse for submitting it at this time.

Respectfully, yours,

J. R. MOOREHEAD, Secretary.

The local merchant contributes to the upbuilding of the community in which he lives. He is a part of its social and religious life. His family constitute a part of the moral force of the community. His stock of goods is assessed for the purposes of local taxation by the assessor. He pays a very large proportion of the necessary expenses of maintaining the municipal government. He contributes to the thousand and one demands of the social, religious, and political well-being of his village or city. His success and prosperity is the success and prosperity of the community generally. His poverty and failure spells the doom of the country town and village in which he lives.

Shall the distribution of all commodities used by the people be made by the million and more merchants in our land, or shall it be confined to a few billion-dollar corporations? The great mail-order corporations have no difficulty in underselling the retail dealer, no matter how much he may reduce his margin of profit. Buying, as they do, from prison contractors the products of convict labor, they secure many of their manufactured articles at prices that would be utterly impossible to obtain if made by free labor. They, of course, are the largest distributors of prison-made goods in the country, which is one of the secrets of their large profits and ability to undersell. This source of supply is, of course, unopen to the small retailer, even if he was inclined to avail himself of it.

And when the local merchant has been eliminated from the equation of modern economics will prices to the consumer be any lower than they are now? All these questions must be answered in the near future, and whether or not this bill is reported to the House or lies dead and buried in committee they are questions of the very gravest importance that will not down.

THE PUBLIC AND THE RAILROADS.

Mr. GORDON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having printed a copy of a speech delivered by Hon. Jeremiah S. Black, of Pennsylvania, upon the subject of the legal relations of the public to railroad corporations.

The SPEAKER. The gentleman from Ohio [Mr. GORDON] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The speech of Mr. Black referred to is as follows:

RAILROAD MONOPOLY—ARGUMENT TO THE JUDICIARY COMMITTEE OF THE SENATE OF PENNSYLVANIA.

"Mr. Chairman, the irrepressible conflict between the rights of the people and the interest of the railroad corporations does not seem likely to terminate immediately. I beg your permission to put our case on your record somewhat more distinctly than heretofore.

"Why do I give myself this trouble? My great and good friend, the president of the Reading Railroad Co., expresses the suspicion that I am quietly acting in the interest of some anonymous corporation. I wish to contradict that as flatly as I can.

"The charge that I am communist enough to wish the destruction of all corporate property is equally untrue. I think myself the most conservative of citizens. I believe with my whole heart in the rights of life, liberty, and property, and if anybody has struggled more faithfully, through good report and evil, to maintain them inviolate, I do not know who he is. I respect the State constitution; perhaps I am prejudiced in favor of natural justice and equality. I am convinced that without the enforcement of the fundamental law honest government can not be expected.

"These considerations, together with requests of many friends, should be sufficient reason for doing all the little I can to get 'appropriate legislation.' At all events it is unfair to charge me with any motive of lucre or malice.

"It is not proposed by those who think as I do that any corporation shall lose one atom of its property. A lawful contract between a railroad company and the State is inviolable and must not be touched by hostile hands, however bad the bargain may have been for the people. Mr. Gowen, and all others with similar contracts in their hands, are entitled each to his pound of flesh, and, if it be 'so nominated in the bond,' the Commonwealth must bare her bosom to all their knives and let them 'cut nearest the heart.'

"But we, the people, have rights of property as well as the corporations, and ours are—or at least they ought to be—as sacred as theirs. Between the great domain which we have conceded to them and that which still belongs to us the line is

plainly and distinctly marked, and if they cross it for purposes of plunder they should be driven back under the lash of the law. It is not the intent of the amended constitution nor the desire of those who demand its enforcement to do them the slightest injury. We only ask for that impartial and just protection which the State, as *parens patriæ*, owes to us not less than to them.

"In the first place, it will, I think, be admitted by all impartial persons of average intelligence that the companies are not the owners of the railroads. The notion that they are is as silly as it is pernicious. It is the duty of every commercial, manufacturing, or agricultural State to open thoroughfares of trade and travel through her territory. For that purpose she may take the property of citizens and pay for the work out of her treasury. When it is done, she may make it free to all comers, or she may reimburse the cost by levying a special tax upon those who use it; or she may get the road built and opened by a corporation or an individual, and pay for it by permitting the builder to collect tolls or taxes from those who carry and travel on it. Pennsylvania has tried all these methods with her turnpikes, canals, and railroads. Some have been made at her own cost and thrown open; on others, made by herself, she placed officers to collect a special tax; others have been built for her by contract, in which some natural or artificial person agreed to do the work for the privilege of appropriating the taxes which she authorized to be levied.

"But in all these cases the proprietary right remained in the State, and was held by her in trust for the use of the people.

"Those who run the railroads and canals are always public agents. It is impossible to look at them in any other light, or to conceive how a different relation could exist; because a railroad which is not managed by public agent can not be a public highway. The character of these agents and the mode of their appointment, even upon the same work, have differed materially. The Columbia Railroad and all the canals were for a time under the management of officers appointed by the governor, or elected by the people, and paid out of the State treasury. Afterwards the duty was devolved by the State upon persons associated together under acts of incorporation who contracted to perform it upon certain terms. The Erie & Northeast Railroad was at first run for the State by a company; the company was removed from its trust for misbehavior; the governor then took it and appointed an officer to superintend the work; later the governor's appointee was displaced, with the consent of the legislature, and the duty was again confided to a corporation newly chartered.

"None of these agents—neither the canal commissioners nor the State receiver, nor any corporation that went before or came after—had the slightest proprietary right or title to the railroads themselves. To say that they had would be as preposterous as to assert that township roads are the private property of the supervisors.

"The legal relations existing between the State and the persons whom she authorizes to supervise her highways was somewhat elaborately discussed by the Supreme Court of Pennsylvania in the case of the Erie & Northeast Railroad Co. v. Casey (2 Casey, pp. 307-324). It was there determined that a railroad built by authority of the State for the general purposes of commerce is a public highway, and in no sense private property—that a corporation authorized to run it is a servant of the State as much as an officer legally appointed to do any other public duty, as strictly confined by the laws, and as liable to be removed for transgressing them.

"All the judges concurred in this opinion. The two who dissented from the judgment did so on the technical ground that certain circumstances, which would have estopped the State in a judicial proceeding, disarmed the legislature of the power to repeal. Neither they nor any other judge in this country, whose authority is worth a straw, ever denied the doctrine for which I have here cited that case, though it may have been sometimes overlooked, ignored, or perchance evaded. This principle and no other was the basis of the decision in Pennsylvania and all the other States, that cities and counties might issue bonds or their money and tax their people to aid in building railroads. The Supreme Court of the United States has affirmed it in scores of cases. It was so universally acknowledged that the convention of 1873 incorporated it into the constitution as a part of the fundamental law. I do not know upon what foundation more solid than this any great principle of jurisprudence was ever established in a free country. When, in addition, you consider the reason of the thing, and the supreme necessity of it for the purposes of common justice, it seems like a sin and a shame and a scandal to oppose it.

"It being settled that the railroads and canals belong of right to the State for the use of the people, and that the corporations

who have them in charge are mere agents to run them for the owners, it will surely not be denied that all proper regulations should be made to prevent those agents from betraying their trust. The wisdom is very plain of those provisions in our constitution which put them on a level with other public servants, and forbid them to prostitute their functions to purposes merely mercenary, or to engage in any business which necessarily brings their private interests into conflict with their public duty. Seeing the vast magnitude of the affairs intrusted to them, and the terrible temptation to which their cupidity is exposed, it is certainly necessary that you hold them to their responsibilities, and hold them hard.

"But, on the other hand, the corporations deny that they owe any responsibility to the State, more than individuals engaged in private business. They assert that the management of the railroads being a mere speculation of their own, these thoroughfares of trade and travel must be run for their interest without regard to public right. If they take advantage of their power to oppress the labor and overtax the land of the State; if they crush the industry of one man or place to build up the prosperity of another; if they plunder the rich by extortion, or deepen the distress of the poor by discriminating against them, they justify themselves by showing that all this was in the way of business; that their interest required them to do it; that if they had done otherwise their fortunes would not have been so great as they are; that it was the prudent, proper, and successful method of managing their own affairs. This is their universal answer to all complaints. Their protests against legislative intervention to protect the public always take this shape, with more or less distinctness of outline. In whatever language they clothe their argument, it is the same in substance as that with which Demetrius, the silversmith, defended the sanctity of the temple for which he made shrines, 'Sirs, ye know that by this craft we have our wealth.'

"That railroad corporators and their paid adherents should take this view of the subject is perhaps not very surprising, nor does it excite our special wonder to see them supported by the subsidiary rings whom they patronize. But it is amazing to find that this odious and demoralizing theory has made a strong lodgment in the minds of disinterested, upright, and high-placed men. Two members of the senate judiciary committee, I do not say the ablest, because comparisons are odious, but they are both of them among the foremost men of the country for talents and integrity—these gentlemen emphatically dissented from me when I asserted that the management of the railroads was not a matter of business to be conducted like a private enterprise, merely for the profit of the directors or stockholders. A heresy so supported is entitled to serious refutation, however absurd it may seem on its face.

"I aver that a man or a corporation appointed to do a public duty must perform it with an eye single to the public interest. If he perverts his authority to purposes of private gain, he is guilty of corruption, and all who aid and abet him are his accomplices in crime. He defiles himself if he mingles his own business with that intrusted to him by the government and uses one to promote the other. If a judge excuses himself for a false decision by saying that he sold his judgment for the highest price he could get, you cover his character with infamy. A ministerial officer, like a sheriff, for instance, who extorts from a defendant, or even from a convict in his custody, what the law does not allow him to collect and puts the surplus in his pocket is a knave upon whom you have no mercy. You send county commissioners to the penitentiary for consulting their own financial advantage to the injury of the general weal. When the officers of a city corporation make a business of running it to enrich themselves at the expense of the public, you can see at a glance that they are the basest of criminals. Why, then, can you not see that the officers of a railway corporation are equally guilty when they pervert the authority with which they are clothed to purposes purely selfish? A railroad corporation is a part of the civil government as much as a city corporation. The officers of the former as much as the latter are agents and trustees of the public, and the public has an interest precisely similar in the fidelity of both. Why, then, should partiality or extortion be condemned as criminal in one if it be tolerated as fair business when practiced by the other? Yet there are virtuous and disinterested statesmen among us who think that faithful service ought not to be enforced against the railroad companies, however loudly it may be claimed by the body of the people as their just due and no matter how distinctly it may be commanded by the constitution itself.

"I am able to maintain that all the corruption and misgovernment with which the earth is cursed grows out of this fatal proclivity of public servants to make a business of their duty. Recall the worst cases that have occurred in our history and see

if every one of them does not finally resolve itself into that. Tweed and his associates in New York, the Philadelphia rings, the carpetbag thieves, the star-route conspirators—all went into business for themselves while pretending to be engaged in the public service. Oakes Ames distributed the stock of the Crédit Mobilier where he thought it would do the most good to himself and others with whom he was connected, and that was business in him who gave and in them that took his bribes. Madison Wells, when he proposed to Mr. Kenner that he would make a true return of the election if he could be assured of getting '\$200,000 apiece for himself and Jim Anderson and a less sum for the niggers,' had as keen an eye to business as if he had been president of a railroad company instead of a returning board. Certain greedy adventurers made it a business to rob the Nation of its lands, and uniting with Congress carried it on so magnificently that they got away with an area nearly equal to nine States as large as Pennsylvania. The imposition of the whisky tax, excluding what was held on speculation, was business to the officers and legislators who were sharp enough to anticipate their own votes. You will see on reflection that every base combination which officers have made with one another or with outside parties has been a business arrangement, precisely like that which the railroads justify on the sole ground that it is business. The effect is not only to corrupt those who engage in such transactions but to demoralize all who are tempted by personal and party attachments to apologize for it.

"When the officers of the Pennsylvania Railroad Co. corruptly bought the remission of the tonnage tax, and thereby transferred to their own pockets an incalculable sum justly due to the State, it was business, rich to them and profitable beyond the dreams of avarice, while to the swindled taxpayers it was proportionably disastrous. The nine million steal of later date was a business enterprise which failed because Gov. Geary most unexpectedly put his veto upon it. Still more recently the same corporation undertook to get from the treasury of the State \$4,000,000 to which it had no decent pretense of a claim. Never was any affair conducted in a more perfectly business-like way. The appointed agents of the corporation came to Harrisburg when the legislature was in session, and regularly set up a shop for the purchase of members at prearranged and specified prices. You condemn this piece of business because it was dishonest, but was it more dishonest than that which the same corporation habitually does when it stands on the highway and by fraud or force extracts from individual citizens a much larger sum in excessive tolls to which its right is no better than to the money it tried to get by bribery?"

"The functions of railroad corporations are as clearly defined and ought to be as universally understood as those of any servant which the State or General Government employs. Without proprietary right in the highways they are appointed to superintend them for the owners. They are charged with the duty of seeing that every needed facility for the use of those thoroughfares shall be furnished to all citizens, like the justice promised in Magna Charta, without sale, denial, or delay. Such services, if faithfully performed, are important and valuable, and the compensation ought to be a full equivalent; accordingly, they are authorized to pay themselves by levying upon all who use the road a tax or toll or freight sufficient for that purpose.

"But this tax must be reasonable, fixed, certain, and uniform, otherwise it is a fraud upon the people which no department of the State government, nor all of them combined, has power to legalize.

"It is much easier to see the nature and character of the mischief wrought by the present practices of the railroad companies than it is to calculate its extent. If your action depends in any degree upon the amount of the spoliation which the people of the State have suffered, and are now suffering, for want of just laws to protect them, you certainly ought to direct an official inquiry into the subject and ascertain the whole truth as nearly as possible.

"But investigations have already taken place in Congress and the legislatures of several States; complaints founded upon specified facts come up from every quarter; verified accusations are made by some of the companies against others; railroad men have openly confessed their fraudulent practices, and sometimes boasted of the large sums they accumulate by them. Putting these together, you can form at least an approximate calculation. I doubt not you will find the sum total of the plunder they have taken in the shape of excessive charges to be frightful.

"Three or four years ago a committee of the United States Senate collected the materials and made a report upon this general subject, in which they showed that an excess of 5 cents per hundredweight charged on the whole agricultural crop of the current year would amount to \$70,000,000. Upon the crop of the last year it would doubtless come nearer a hundred

millions. The railroads would not get this sum, because not near all of it is carried, but it would operate as an export tax operates; that is to say, the producer, the consumer, or the intermediate dealer, would lose that amount on the whole crop, carried or not carried. In 1880 the charges from Chicago to the eastern markets were raised from 10 cents per hundredweight to 35 cents, the latter rate being unquestionably twice as high as a fair one. You can count from these data the terrible loss sustained by the land, labor, and trade of the country. It was the end and the attainment of a combination still subsisting between the great trunk lines, as they are called, to pool their receipts, to stop all competition, to unite the stealing power of all into one grand monopoly, and put the whole people at their mercy. It was a criminal conspiracy by the common and statute law of all the States.

"The magnitude of these excessive charges is not the worst thing about them. The corporations think it perfectly right to raise or lower the freight as they please without regard to the rights or interest of anybody but themselves. A grain grower, manufacturer, miner, or merchant, who can sell his goods at a profit, if he can get them carried at the rates of to-day, may find himself ruined to-morrow by an increase which did not enter into his calculations. A rise in the market inures not to the benefit of the producer, but to the use of the carrying corporations, which openly avow that their rule is to charge in all cases as much 'as the traffic will bear'; that is to say, as much as the shipper can submit to without being driven entirely off the road. You must see plainly that this power to depress agriculture, to diminish the profits of manufacturing industry, and to skin the commerce of the whole country by the arbitrary use of a sliding scale upon freights, can not safely be trusted to human hands, and especially not to irresponsible corporations whose interest, as well as their acknowledged principle of action, constantly impel them to abuse it. Can it be that a Pennsylvania legislature will hesitate to curb the career of this destructive monopoly by adjusting the charges according to some rule equitable, fixed, and certain?"

"But even this sinks into insignificance compared with the wrong and evil of their discriminations. Common justice, sound policy, every sense of duty, the whole spirit and letter of the law, require them to give every man equal facilities in the use of the roads, and to charge them at the same rates for the same class of goods, according to weight and distance. There can be no possible doubt about this. Every unprejudiced man, who has sense enough to know his right hand from his left, acknowledges that equality must be the rule of right; and he understands this perfectly well without looking at the constitution, where it is solemnly declared to be part of the *lex legum*, the law of laws, and the rule of all rules on the subject. Yet this sacred principle is constantly and steadily violated, trampled under foot, and treated with heartless contempt.

"At the slightest glance you will see the enormous injury, direct and consequential, which these discriminations inflict upon the public. A man who invests his capital or employs his time in mining or manufacturing can be driven into bankruptcy at any time by a discrimination against him and in favor of his competitors. This is done every day and all the time, not in a few cases here and there, but systematically and regularly, whenever a carrying monopoly conceives that its own interests can be promoted in that nefarious way; and it will continue to be done until the prohibition of the constitution is enforced by penal enactment.

"Instead of breaking the foul bulk of these enormities, I will give you a sample—convenient because it is small and easily handled. A neighbor and friend of mine—in partnership with another—became the lessee and operator of a coal mine in Northumberland. For a short distance they were obliged to carry their product over one of the branches of the Pennsylvania company. They were charged for the use of the road and motive power alone—there was no loading or unloading in the case, and no cars were furnished by the company—at about the rate of 20 cents per ton per mile, while others whom the monopoly chose to favor were let off at 2 cents. They paid the excess under protest, and brought suit to recover it back. It was as simple a case of extortion as can be conceived, but certain officers of the Pennsylvania Railroad Co. swore that in their judgment it was right to commit it, and, moreover, declared that it was a usual, common, and customary practice. I blush to acknowledge that in all this the Supreme Court indorsed and abetted the corporation. The dialectics of the decision turned on a prohibition in the charter against charging more on an average than 4 cents per ton per mile, which was construed as a legal warrant for any robbery of one person which the company could prove to be balanced by the aggregate of favors shown to all others. But neither the greatest corporation in the State nor the highest judicial tribunal paid any respect

whatever to the principle that all men's rights to the use of the public highway are equal.

"It is known and not denied that this equality of right, sacred and fundamental though it be, is by the common practice of carrying companies corruptly disregarded.

"If you want to drive business competition out of the field, bribe a railroad manager to raise the freights upon your rivals and lower your own, or take the whole board of directors into partnership with you, or promise to divide the spoils with the corporation, and they will make you a monopoly with power to plunder, limited only by the range of your dealings. The loss thus inflicted upon the worthiest men in the land is startlingly large. By a single one of these arrangements—that with the Standard Oil Co.—the estimated injury, direct and consequential, to honest persons within the State amounts to not less than a hundred and fifty million dollars. For this fact you have the statement of Mr. Gowen, whose veracity no man that knows him will doubt, and whose faculties of observation, sharpened by a personal interest in the subject, make him a most intelligent witness.

"At whatever place one of these railroad corporations has power to control the whole carrying trade, or where several combine together for that purpose, they victimize the people remorselessly. I give you the example of York, for the reason that it presses itself on my own attention with peculiar force. The freight exacted on the single article of anthracite coal is nearly \$1 per ton more than is charged upon the same commodity carried from the same mine and delivered by the same company at Baltimore. In all reason and conscience it should be from 50 cents to a dollar less, seeing that the distance is 60 miles greater to Baltimore. That makes the discrimination against York at least equal to a dollar and a half on every ton. The quantity consumed in the latter place is something upward of a hundred thousand tons, and the excessive tax upon it all is therefore \$150,000. Every cent of this is as wrongfully taken as if it were feloniously stolen. It amounts to many times as much in the aggregate as all the legitimate taxes which the same community pays for the support of the State, county, schools, and almshouses. Nay, it is more than all the taxes imposed for those purposes on the whole of the great county in which the town of York is situated. A manufacturer there who uses 2,000 tons of coal per annum must pay \$3,000 of blackmail to the railroads, or to the monopoly which they have created, unless the influence of his wealth gets it remitted. But the largest part of it is levied upon poor laborers whose wages are barely sufficient to furnish their families in scanty measure with food, shelter, and clothing; much of it is paid by the contributions of charity for those who would otherwise perish by cold and hunger. The man who can hear the simple story of this wrong without indignation must be as cold-blooded as a snake.

"You need not confine your sympathies to York. I can give you no exact account of the similar suffering inflicted on Philadelphia. But any officer of the Reading company can furnish it. Mr. Gowen, free spoken as he is about the sins of his rivals, is naturally reticent concerning his own. But if he opens his mouth he will tell you the truth, and, unless I am much mistaken, it will be an awful tale of wrong and oppression.

"A full inquiry, if it shall ever be instituted, will probably show that nearly all the railroad corporations, the smaller ones following the example of the greater, have violated their charters by engaging 'in mining and manufacturing articles for transportation over their own works,' and thus acquired a monopoly of the production as well as the carrying. It is in this way that the Reading company has got the coal market of Philadelphia under its foot. Why should not that corporation and the others be made to respect the majesty of justice by an enforcement of the constitution (sec. 5, Art. XVII), which, if it leaves them what they have already got in violation of law, will at least prevent or punish such outrages in the future?

"The imperious necessity, however, of enforcing the constitution arises out of the depredations which they commit upon all classes everywhere within the State in what they call their local rates. You can take the figures known to be true and demonstrate by the plainest process of simple arithmetic that their tariff of rates for carrying goods from place to place within the State is extortionate beyond all reason.

"They have not the face to deny that their through rates are high enough to give them all the compensation they can reasonably demand for that part of their service. The trunk lines struggled and fought for that trade against one another with a fierceness which showed that they regarded it as very profitable. Their own competition reduced it for a while, but they combined and raised their charges high enough to satisfy all of them. It is ridiculous to say that this mutual agreement fixed the rates below a fair standard. That is a sort of error which monopolists never commit. Accepting the almost unanimous

testimony of disinterested persons who ought to know whereof they affirm, the belief is fully authorized that they have fixed their through rates unreasonably high; but we will assume that they are only fair. That point being satisfactorily established, it follows, as the day follows the night, that the much higher rates which they charge on local freights are unjust and extortionate, a palpable violation of our rights, a gross offense against the constitution.

"I use the word 'rate' in the popular and legal sense as meaning the ratio or proportion of the whole charge to the distance the freight is carried. Thus if a ton be carried 600 miles from Chicago to Philadelphia for \$5, and the same charge be made for carrying it 12 miles from Philadelphia to Media, the rate in the latter case is fifty times as high as in the former. I am credibly informed that such disproportioned charges are or have recently been made, and that as a general rule all local freights, whether the haul be long or short, are charged, without regard to distance, the same, or nearly the same, that would be charged on the same weight if carried from Chicago to Boston. To the extent of this enormous discrimination against our own people they are robbed and plundered.

"The effect of it upon the agricultural interest can not be ascertained exactly without an investigation, which you can make and I can not; but the reasonable probability is that it takes most unjustly from 7 to 10 cents per bushel from the price of all grain grown in the State and correspondingly reduces the value of all other products.

"Then look how it touches the rights and interests of consumers in the great centers of population. Within a circle of 150 miles in diameter around Philadelphia provisions enough might be raised to feed the city, but they can not be taken there without paying a freight on them as heavy as it would cost to bring them from Illinois or Wisconsin. Thus an army of a million souls, some of them half mad with hunger, virtually have their base of supplies moved back six or seven hundred miles away.

"These railroad men have another way of cheating the public, not for the benefit of their corporate treasuries but to swell the private fortunes of the managers. A ring of them is formed into a separate transportation company with the privilege of carrying on their own roads at the highest freights they can extort. By means of preferences and discriminations the parent corporation forces into the hands of its bastard offspring as much of the business as it wants, for the shipper who refuses to patronize the ring must suffer the penalty of still higher rates as well as delay and difficulty. The convention of 1873 believed that this was one of the devices for fleecing the trade of the Commonwealth which ought to be broken up, and the people adopted that opinion. Do you wish to continue it? If not, why do you hesitate to carry out the constitutional prohibition?

"Perhaps the most remarkable, certainly the boldest, thing about the discriminations we complain of is that they are always avowedly made against those who are least able to endure the wrong. A heavy grain dealer in the West who ships his millions may get rates 90 per cent below those extorted from a Pennsylvania farmer with only a thousand bushels to carry. Between all rivals of unequal fortune the railway king is ever strong upon the stronger side and never fails to make his discrimination against the weaker concern whose business is conducted on the smaller scale. In my town of York the demand of some very rich manufacturers for lower rates has been conceded with gratifying promptness, but you might as well plead pity with a wolf as ask the monopoly to relieve a starving laborer by taking the excessive charges off his bread and fuel. Indeed, if the tariffs of railway charges be founded in any rule at all it is this, that all rates shall be high in inverse proportion to the magnitude of the cargo and the distance it is carried, the practical effect of which is to grind the face of the small trader that the great one may increase in fatness.

"The only argument they make against the equality of rates commanded in the constitution is that they can not afford it; that they must charge higher for short hauls and light loads or else their compensation will be less than for the greater service. If this were true, it would be no ground of justification. But, in point of fact, it is wholly untrue. It is not more difficult or costly to carry a hundred tons for fifty shippers than it would be to carry the same goods for one. The expenses incident to the reception and discharge of a cargo may be greater in proportion for short hauls than for long ones, but you can make that all even by allowing them to charge, in addition to their mileage, for loading and unloading, whether the haul be short or long. These terminal expenses which they make so much ado about are nothing as an excuse for the enormous excesses of their local rates, and they know that very well. Their real reason is that they find it easier, safer, and more

profitable to cheat a thousand poor men than one who is powerful enough to resist them or rich enough to bribe them.

"But they insist that they have a chartered right to do these things; that they have purchased from the State the privilege of charging unreasonable tolls and making such discriminations as they think best for themselves without regard to justice; that the State has sold out to them the power of protecting the people against any wrong of that kind which they may choose to commit, and that the constitution which forbids them is itself unconstitutional, because it impairs the obligation of a contract. Let us see whether there be or not any truth in this plea.

"If the State had in express terms authorized them to impose unreasonable tolls or taxes upon the people for the use of their own roads the grant would be void. Judge Baldwin's opinion to that effect in *Bonaparte v. The Camden & Amboy Railroad Co.*, has never been denied or its soundness doubted from the day it was delivered to the present time. To give the corporation a power like that would be to give it the public highway as private property; to arm a body of mere adventurers with the police authority of the Commonwealth, and to convert railroad managers from public servants into public robbers. You might as well say that the legislature could sell the State out and out.

"Upon the same principle a grant of authority to discriminate between one citizen and another is worthless. The rights of all the people to be protected against robbery and extortion are precisely equal, and the legislature can not barter away one more than the rest; that is to say, a wholesale bargain of that kind would be no worse than a contract to sell the rights of individual citizens at retail.

"If, therefore, these companies had a bargain with the State, expressly giving them power to charge unreasonable or discriminating freights, it would be a mere nullity and, of course, revocable at the will of the legislature.

"But no such contract was ever made between this State and any railroad company—at least I never saw an act of incorporation upon which a decent pretense of that kind could be set up.

"You must remember that in a public grant, whether of land, money, or franchises, nothing passes by construction. The grantee at the very utmost gets only what is given in express words of which the sense is too plain to be misunderstood. Nothing goes by inference. No ambiguous phrase carries with it anything to swell the dimensions of the gift.

"Now, where is the express grant of power to take more than a fair and reasonable toll for the use of any railroad? In what act of incorporation is it stipulated that the State may not adjust the tolls according to what she, by her proper authorities, shall deem a reasonable rule? The sole answer ever given to this is that in some, if not all, of the charters there is a provision forbidding the company to make any charge beyond a certain rate per ton per mile, and from this prohibition against taking more they infer the right to take, in spite of the State, anything they please under that maximum, whether it be reasonable or not. But it is precisely such inferences that you can not make; they are excluded by the rule of interpretation already mentioned.

"Neither does their practice of discrimination find the slightest countenance in any word of the charters. When did you ever see an act of incorporation expressly declaring that the company shall have power to make a difference between two citizens whose legal and natural rights to the use of the highway are precisely the same? Where do you find the words which clothe any company with the awful power to crush out the business of one man with burdens which he can not bear in order that another in which the railroad has an interest may be built up? But especially and particularly I desire to know what part of any bargain with the State justifies the extortion of higher rates from a poor man on his little freights than from a rich one on his great and valuable cargoes? If you can not put your finger on the very words that give this authority, then the authority is withheld and the practice forbidden.

"But that is not all. The limitation of the charges to rates, perfectly and uniformly proportioned to weight and distance, must be apparent to anyone who will consider the nature of the contract, the subject matter of it, and the parties to it. The Commonwealth, reserving the equal proprietary rights of all the people to the use of the highway, agrees to employ a corporation as her agent, to see that the exercise of the right by every citizen is properly facilitated, and never in any case impeded, delayed, or hindered. The agent agrees to do this service at rates which in the aggregate will be a reasonable compensation for all the labor and expense of it. As between the State, who is the employer, and the corporation, which is the employee, the contract is an entire one—a lump bargain—an agreement

to do one whole job, which comprehends all the carrying for all the people on that highway at a price for which the only measure furnished by the contract is weight and distance. Whenever in those acts of incorporation any mention is made of rates, taxes, or tolls they are spoken of as proportioned to the use made of the road by him who pays them—so much per ton per mile, whether the miles be many or few, up grade or down, without regard to the number of tons carried at one time or at different times for the same shipper.

"Let me illustrate a little further: If you make a contract to do a job of excavation at a price per cubic yard which gives you a heavy profit on the whole job, have you a legal right to demand additional pay for particular parts of it which you allege to be harder than the rest? I do not say what claim you might have upon the liberality of your employer if the bargain, taken altogether, were a losing one; I only ask whether you could, by construction of the contract, charge more for one yard than another?

"Take a case more precisely analogous. A contractor agrees to pave a mile of street at so much per foot, taxing the owners of the lots for the number of feet that front upon each one's property. Such contracts have been often made by the authorities of towns and cities, and they have never been understood to warrant a higher charge per foot against the owners of small and cheap lots than against the proprietors of those which are more valuable.

"Reasoning fairly from premises known to be true, you can not escape the conclusion that the extravagant and discriminating charges of these corporations are a fraud upon their own charters as well as a gross wrong to their victims. The contracts they invoke to save them from the justice of the State are as strong against them as the constitution itself.

"But there is a power of the State to control them, to check their rapacity, and to make them honest, which lies back of all this. The police authority, of which she can not disarm herself if she would, enables her to regulate the use, even of private property, in such manner that neither the general public nor particular individuals can be made to suffer by it unjustly. Upon that principle you can forbid an excessive rate of interest upon the loan of money, fix the charges of hack drivers, or ferrymen, or tavern keepers or the owners of grain elevators.

"Besides all that, the State can abolish a monopoly or bring it to terms of justice at any time by virtue of her right of eminent domain. All property, corporeal and incorporeal, is held upon condition that it may be divested whenever the general interest requires it. All charters and acts of incorporation are subject to such modification as may be necessary to prevent the owners from doing wrong to the public. This principle was expressed in the constitution by the amendment of 1856, but that was not its origin; it existed from time immemorial as a rule of public and universal law. It has always been one of the powers of every sovereign government, and it applies with equal force to all charters, whether dated before or after 1856.

"These are arguments in favor of the power. Except in Pennsylvania, it would not be necessary to state them. Everywhere else the most zealous advocates of corporate monopoly concede the authority in question, while they deprecate its exercise. But here the shallow notion still lingers that an act of incorporation is an irrevocable license to defraud and plunder whomsoever the managers please to select as their prey.

"I have hesitated to speak of free tickets. I can understand how a thing so cheap might be accepted as a mere condescension, like a drink or a dinner. Perhaps, therefore, it is not *malum in se*. But since 1874 no man can hold office without taking an oath to obey the constitution, which expressly prohibits free passes. Can that oath be violated with a safe conscience? I am a private citizen, and I speak with respect for the better judgment of others when I say that executive and judicial officers who have acted thus during the last 10 years ought to be impeached and removed from their places. But that is easier said than done, for the house of representatives, which should prefer the impeachment, and the senate, which has exclusive jurisdiction to try it, are tarred nearly all over with the same stick.

"The legal predicament in which this practice places the railroad officers is somewhat worse. The passes which they distribute are things of considerable value; worth, perhaps, two or three hundred dollars apiece, and hundreds of thousands altogether. If the agents of the company would bring up that much money in a bag at the first meeting of every legislature and hand it around to the members, dishing out their shares to the judges and executive officers, it would look very much like wholesale bribery. But to bribe an officer it is not necessary that money should be used. Giving or offering 'anything of value, testimonial, privilege, or personal advantage,' is, by the constitution and the statute, the same crime as giving silver

dollars, gold eagles, or greenbacks. It must appear, however, that it was given to influence the officer or member of the general assembly in the performance of his public or official duties. That is undoubtedly the very purpose and object of giving passes to members of the legislature. I do not say or think that those senators and representatives who receive them consent to be so influenced. But that does not redeem the guilt of the giver, to whom it is impossible to ascribe any other intent than the criminal one. Those great corporate officers and their respectable subordinates, who are concerned directly and indirectly in these practices, are probably ignorant of the existing law. They ought to be solemnly warned by some penal enactment directly and exclusively aimed at this besetting sin.

"We are often told that in this struggle for honest government against the power of the railroad corporations the just cause has no chance of success. We do seem to be out on a forlorn hope. The little finger of monopoly is thicker than the joints of the law.

"The influence of our enemies over the legislature is mysterious, incalculable, and strong enough to make the constitution a dead letter in spite of oaths to obey it and a popular demand, almost universal, to enforce it. There is no other subject upon which the press is so shy as upon this, the most important of all. Afraid to oppose the corrupt corporations and ashamed to defend them, it sinks into silent neutrality. Prudent politicians always want a smooth road to run on, and the right path here is full of impediments. In this state of things we seem to be weaker than we really are, for the unbroken heart of the people is on the side of justice, equality, and truth. Monopolists may sneer at our blundering leadership and the unorganized condition of our common file, but they had better bethink them that, when the worst comes to the worst, our raw militia is numerous enough to overwhelm their regulars, well paid and well drilled as they are. They have destroyed the business of hundreds for one that they have favored. For every millionaire they have made 10,000 paupers, and the injured parties lack no gall to make oppression bitter.

"The people certainly got one immense advantage over the carrying corporations when they adopted the seventeenth article of the constitution. That concedes to us all the rights we ask, puts the flag of the Commonwealth into our hands, and consecrates our warfare. The malign influence that heretofore has palsied the legislative arm can not last forever. We will continue to elect representatives again and again, and every man shall swear upon the gospel of God that he will do us the full and perfect justice which the constitution commands. At last we will rouse the 'conscience of a majority, screw their courage to the sticking place, and get the appropriate legislation' which we need so sorely.

"Whenever a majority in both houses become independent enough to throw off the chains which now bind them to the service of monopoly; when frequent repetitions of the oath to obey the constitution shall impress its obligation upon their hearts; when admonition and reproof from within and without, 'line upon line, precept upon precept, here a little and there a little,' shall have taught them that fidelity to the rights of the people is a higher virtue than subserviency to the mere interests of a corrupt corporation; when the seventeenth article shall have been read and reread in their hearing often enough to make them understand the import of its plain and simple words—then, without further delay and with no more paltry excuses, they will give us legislation appropriate, just, and effective. A tolerably clear perception of their duty, coupled with a sincere desire to do it, will enable them to catch the shortest and the easiest way. All trifling with the subject will cease at once; all modes of evading this great point will go out of fashion; no contrivance will be resorted to of ways not to do it while professing to be in favor of it; our common sense will not be insulted by the offer of a civil remedy to each individual for public offenses which affect the whole body of the people and diminish the security of all men's rights at once. The legislative vision, relieved from the moral strabismus which makes it crooked, now will see straight through the folly of trying to correct the general evil except by the one appropriate means of regular punishment at the suit of the State. Does this seem harsh? Certainly not more severe than any other criminal law on our statute book which applies to railway managers as well as to everybody else. They need not suffer the penalty unless they commit the crime, and they will not commit the crime if you make a just penalty the legal consequence. Pass a proper law to-day and they will be as honest as you are to-morrow. Every one of them can be trusted to keep clear of acts which may take him to the penitentiary. They have been guilty in their past lives and will continue in evil doing for some time to come, because the present state of your laws assures them that they shall 'go unwhipped of justice.' But threaten them with a moderate term of imprisonment and a

reasonable fine, and they will no more rob a shipper on the railroad than they will pick your pocket at a prayer meeting. Your law will do its work without a single prosecution. Thus you could, if you would, effect a perfect reform and yet not hurt a hair on any head—a consummation most devoutly to be wished."

"But it is not to be expected that such good will come immediately. Nearly 10 years ago the legislature was commanded to carry out the beneficent measure of the constitution. For 9 years that illustrious body was a dumb impediment to the course of justice, all its faculties paralyzed by some inscrutable influence—dead, devoid of sense and motion, as if its only function was to 'lie in cold abstraction and to rot.' At last, when it was awakened up by the present governor and reminded of the seventeenth article, it opened its mouth and spoke as one who did not know whether he was sworn to oppose the constitution or to obey it. Some members have shown their utter hostility to it, some seem willing to defend small portions of it, and one senator discovered that it was all equally sacred. But his plan meets no favor. Still we need not despair. The people and the constitution, mutually supporting one another, will be triumphant yet. Meanwhile let all the railroad rings rejoice. This is their day; ours is to come."

LEAVE TO EXTEND REMARKS.

Mr. SIMS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I should like to know what subject the gentleman intends to discuss.

Mr. SIMS. I am not even certain that I will extend my remarks at all. It seemed to be going so easy this morning that I thought I would get permission, too.

Mr. BURKE of South Dakota. Upon what subject does the gentleman intend to print remarks, if he does print them?

Mr. SIMS. I will not disclose that subject.

Mr. BURKE of South Dakota. Unless the gentleman discloses his subject, I shall object.

Mr. SIMS. A number of gentlemen have not disclosed their subjects, and you ought to treat them all alike.

Mr. BURKE of South Dakota. Every gentleman who has obtained permission has disclosed his subject.

Mr. SIMS. I will not do it.

Mr. BURKE of South Dakota. Then, Mr. Speaker, I object.

Mr. MURDOCK. Will the gentleman reserve his objection?

Mr. BURKE of South Dakota. I will reserve the right to object.

Mr. MURDOCK. I want to call the attention of the gentleman to the fact that previous to the request of the gentleman from Tennessee [Mr. SIMS] other requests were granted where gentlemen did not state the subjects of their remarks.

Mr. BURKE of South Dakota. In every instance?

Mr. MURDOCK. The gentleman from Oklahoma [Mr. MORGAN] obtained unanimous consent.

Mr. BURKE of South Dakota. But he stated the purpose for which he desired to extend his remarks.

Mr. SIMS. My colleague [Mr. AUSTIN] made the same request without stating the subject of his remarks, and the gentleman did not object.

Mr. MURDOCK. The gentleman from Tennessee [Mr. AUSTIN] did not state the subject of his remarks.

The SPEAKER. Some of them did and some of them did not.

Mr. BURKE of South Dakota. I understood that each one did.

Mr. MURDOCK. Neither the gentleman from Tennessee [Mr. AUSTIN] nor the gentleman from Ohio [Mr. GORDON] stated the subjects on which they proposed to extend remarks.

The SPEAKER. The gentleman from Ohio [Mr. GORDON] stated that he wished to print a speech by Jeremiah S. Black, one of the greatest lawyers this country ever produced.

Mr. AUSTIN. Mr. Speaker, I hope that the gentleman from South Dakota will withdraw his objection to the request of my colleague. I did obtain permission to extend some remarks without stating upon what subject I intended to treat.

Mr. PAYNE. But is the gentleman sure that his colleague wants to extend his remarks in the Record? He says he is not certain himself.

Mr. AUSTIN. Well, I want to give him the privilege if he desires it.

Mr. BURKE of South Dakota. Mr. Speaker, under the circumstances I shall insist upon my objection.

The SPEAKER. The gentleman from South Dakota objects.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HAMMOND, until July 15, on account of important business.

To Mr. BORCHERS, for 3 weeks.

USELESS EXECUTIVE PAPERS.

Mr. TALBOTT of Maryland, from the Joint Select Committee on Disposition of Useless Executive Papers, to which was referred a letter from the Secretary of the Interior, transmitting a schedule of useless executive documents, submitted a report (No. 20), which was ordered to be printed.

He also, from the same committee, to which was referred a letter from the Postmaster General, transmitting a schedule of useless papers and documents in his department, submitted a report (No. 21), which was ordered to be printed.

CHANGE OF REFERENCE.

Mr. GORDON. Mr. Speaker, at the last session of the House I introduced a pension bill, H. R. 6039, granting a pension to Patrick J. Dugan, which, by mistake, was referred to the Committee on Invalid Pensions, when it should have gone to the Committee on Pensions, and I ask that that change of reference be made.

The SPEAKER. The gentleman from Ohio asks unanimous consent for a change of reference, which he indicates. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 13 minutes p. m.) the House, under its previous order, adjourned until Tuesday, June 17, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion in the case of *Eli A. Helmick v. The United States* (H. Doc. No. 85), was taken from the Speaker's table, referred to the Committee on War Claims, and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 2326) granting a pension to Thomas B. Kneeder; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2327) granting a pension to Edward Coffee; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SCULLY: A bill (H. R. 6056) to provide for the examination and survey of Forked River, Ocean County, N. J.; to the Committee on Rivers and Harbors.

By Mr. HOWARD: A bill (H. R. 6057) to regulate the carriage of passengers in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HENRY: A bill (H. R. 6058) to amend and reenact section 5241 of the Revised Statutes of the United States; to the Committee on Banking and Currency.

By Mr. HINEBAUGH: A bill (H. R. 6059) to provide for uniform preferential primaries for candidates of the several political parties for nomination for President of the United States, and to provide for the election of delegates of such political parties to their respective national conventions, for the election of national committeemen, and for other purposes; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. BURNETT: A bill (H. R. 6060) to regulate the immigration of aliens to and the residence of aliens in the United States; to the Committee on Immigration and Naturalization.

By Mr. SPARKMAN: A bill (H. R. 6061) to provide for a site and public building at Bradentown, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. BROUSSARD: A bill (H. R. 6062) providing that the title of the State of Louisiana be confirmed to a certain tract of land; to the Committee on the Public Lands.

By Mr. FOSTER: A bill (H. R. 6063) to apply a portion of the proceeds of the sales of public lands to the endowment of schools or departments of mines and mining, and to regulate the expenditure thereof; to the Committee on Mines and Mining.

By Mr. HARDY: A bill (H. R. 6064) to provide for the register and enrollment of vessels built in foreign countries when such vessels have been wrecked on the coasts of the United States or her possessions or adjacent waters and salvaged by American

citizens and repaired in American shipyards; to the Committee on the Merchant Marine and Fisheries.

By Mr. PEPPER: A bill (H. R. 6065) to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended; to the Committee on Interstate and Foreign Commerce.

By Mr. QUIN: A bill (H. R. 6066) for the relief of the owners of certain cotton taken by the United States authorities in Adams County, Miss., in 1863, and shipped away on the steamer *Gladiator*; to the Committee on War Claims.

Also, a bill (H. R. 6067) to confer jurisdiction on the Court of Claims to hear, determine, and adjudicate claims for the taking of private property and damages thereto as a result of the improvement of the Mississippi River for navigation; to the Committee on the Judiciary.

By Mr. LINTHICUM: A bill (H. R. 6068) to reclassify the salaries of assistant postmasters and employees above the clerical grades in post offices of the first and second class; to the Committee on the Post Office and Post Roads.

By Mr. CLARK of Florida: A bill (H. R. 6069) to extend the proposed reorganization of the customs service for a period of two years; to the Committee on Ways and Means.

By Mr. GREGG: A bill (H. R. 6070) to amend an act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1912, approved March 4, 1911; to the Committee on Agriculture.

By Mr. TAYLOR of Colorado: A bill (H. R. 6071) providing for a monument to commemorate the services and sacrifices of the pioneer women of America; to the Committee on the Library.

By Mr. BUCHANAN of Illinois (by request): A bill (H. R. 6072) to amend the laws relating to patents for designs; to the Committee on Patents.

By Mr. DAVIS of West Virginia: A bill (H. R. 6073) to authorize the building of dams across the South Branch of the Potomac River; to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: A bill (H. R. 6074) to establish a fish-hatchery and biological station in the fourth congressional district of the State of Tennessee; to the Committee on the Merchant Marine and Fisheries.

By Mr. DAVIS of West Virginia: Resolution (H. Res. 169) authorizing payment of fees to J. Fred Essary, Carl D. Groat, and Daniel O'Connell; to the Committee on Accounts.

By Mr. HUMPHREYS of Mississippi: Concurrent resolution (H. Con. Res. 8) providing for the printing of House Document No. 1458 of the Sixty-second Congress; to the Committee on Printing.

By Mr. BARTLETT: Joint resolution (H. J. Res. 96) to continue in effect the provisions of the act of March 9, 1906 (Stat. L., vol. 34, p. 56); to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOOHER: A bill (H. R. 6075) for the relief of George Welty; to the Committee on Claims.

By Mr. BORLAND: A bill (H. R. 6076) granting an honorable discharge to Alexander C. Morris; to the Committee on Military Affairs.

By Mr. BROWN of West Virginia: A bill (H. R. 6077) granting an increase of pension to Henry H. Guseman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6078) granting an increase of pension to John Bean; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6079) granting an increase of pension to John F. Bennett; to the Committee on Pensions.

By Mr. BURNETT: A bill (H. R. 6080) for the relief of the heirs of Solomon Kean; to the Committee on War Claims.

By Mr. CULLOP: A bill (H. R. 6081) granting a pension to Solomon L. Jacobs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6082) granting an increase of pension to Jacob Bucher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6083) granting an increase of pension to Stephen Skeen; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 6084) for the relief of Albert O. Tucker; to the Committee on War Claims.

By Mr. CLARK of Missouri: A bill (H. R. 6085) granting an increase of pension to Melvina Pennington; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 6086) to award a medal of honor to Maj. John O. Skinner, surgeon, United States Army, retired; to the Committee on Military Affairs.

By Mr. DONOVAN: A bill (H. R. 6087) granting a pension to George W. Bond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6088) granting a pension to Bridget Gaffney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6089) granting an increase of pension to Johanna O'Brien; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6090) granting an increase of pension to Cordelia A. Naphy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6091) granting an increase of pension to Esther Yates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6092) granting an increase of pension to Henry Chamberlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6093) to remove the charge of desertion from the military record of Patrick Kelley, alias Patrick Cuddy; to the Committee on Military Affairs.

Also, a bill (H. R. 6094) to remove the charge of desertion from the military record of Thomas Ellis; to the Committee on Military Affairs.

By Mr. FLOYD of Arkansas: A bill (H. R. 6095) granting a pension to M. M. Mahoney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6096) granting a pension to Garfield Lay; to the Committee on Pensions.

By Mr. HULL: A bill (H. R. 6097) granting a pension to W. H. Bush; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6098) granting a pension to Henry T. Dawson; to the Committee on Pensions.

Also, a bill (H. R. 6099) granting a pension to Ofa Johnson; to the Committee on Pensions.

Also, a bill (H. R. 6100) to carry into effect the findings of the Court of Claims in the matter of the claim of Cumberland University, of Lebanon, Tenn.; to the Committee on War Claims.

Also, a bill (H. R. 6101) to carry into effect the findings of the Court of Claims in the matter of the claim of the heirs of Josiah Anthony, deceased; to the Committee on War Claims.

Also, a bill (H. R. 6102) to carry into effect the findings of the Court of Claims in the matter of the claim of Howard Lodge, No. 13, Independent Order of Odd Fellows, of Gallatin, Tenn.; to the Committee on War Claims.

Also, a bill (H. R. 6103) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Elvina Cunyngnam, deceased; to the Committee on War Claims.

By Mr. LEWIS of Maryland: A bill (H. R. 6104) granting an increase of pension to Mary C. Whitson; to the Committee on Invalid Pensions.

By Mr. LONERGAN: A bill (H. R. 6105) granting a pension to F. G. Kasimur; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6106) granting a pension to Annie M. Eastland; to the Committee on Pensions.

Also, a bill (H. R. 6107) granting a pension to Ezra G. Bill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6108) granting an increase of pension to Delia J. McKeon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6109) granting an increase of pension to Bridget Brassill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6110) to remove the charge of desertion against William H. Benjamin, alias Charles Clarke; to the Committee on Military Affairs.

Also, a bill (H. R. 6111) to remove the charge of desertion against William Helm; to the Committee on Military Affairs.

By Mr. MOSS of West Virginia: A bill (H. R. 6112) granting a pension to Richard McNeely; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6113) granting an increase of pension to A. S. Dyke; to the Committee on Invalid Pensions.

By Mr. O'HAIR: A bill (H. R. 6114) granting a pension to J. F. Mercer; to the Committee on Pensions.

Also, a bill (H. R. 6115) granting a pension to George L. Kingsland; to the Committee on Pensions.

Also, a bill (H. R. 6116) granting a pension to Mary E. Phelps; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6117) granting an increase of pension to Caroline Bitterny; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6118) granting an increase of pension to Elizabeth Logan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6119) granting an increase of pension to Seton Harper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6120) granting an increase of pension to Barnett Cunningham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6121) granting an increase of pension to Alfred A. Trover; to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 6122) granting a pension to Maria Mowbray; to the Committee on Invalid Pensions.

By Mr. REILLY of Connecticut: A bill (H. R. 6123) granting an increase of pension to Ellen A. Boland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6124) granting an increase of pension to James S. Rich; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6125) granting an increase of pension to Margaret O'Brien; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6126) granting an increase of pension to Herman Hoffmeister; to the Committee on Invalid Pensions.

By Mr. ROGERS: A bill (H. R. 6127) granting an increase of pension to Michael E. Breck; to the Committee on Pensions.

Also, a bill (H. R. 6128) for the relief of Michael Boyle; to the Committee on Military Affairs.

By Mr. ROUSE: A bill (H. R. 6129) granting a pension to Anna K. Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6130) granting a pension to John Brennan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6131) granting an increase of pension to Amelia E. Hatfield; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 6132) granting a pension to Chester E. Wadsworth; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 6133) to carry into effect the findings of the Court of Claims in case of trustees of the Presbyterian Church of Huttonsville, W. Va.; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Order of Railway Conductors of America, Cedar Rapids, Iowa, favoring the passage of legislation making an increase in the appropriation for the purpose of increasing the force of inspectors of safety appliances of railroads, etc.; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of the Woman's Baptist Mission Union of the First Baptist Church, of Elgin, Ill., favoring the passage of an amendment to the Constitution of the United States, making polygamy unlawful; to the Committee on the Judiciary.

By Mr. BOOHER: Petition of sundry business men of 11 towns of the fourth congressional district of Missouri, favoring the passage of legislation compelling concerns selling goods direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER: Petition of William Sanders and others, of Waterford, Wis., favoring the passage of an act giving them the right to settle on and acquire by purchase lands in Oregon owned by the Oregon & California Railroad Co.; to the Committee on the Public Lands.

By Mr. DALE: Petition of the National Association of Quartermen and Leadingmen of the New York Navy Yard, Newark, N. J., favoring the passage of legislation making certain changes in the rules governing the navy yards; to the Committee on Naval Affairs.

By Mr. DOOLITTLE: Petition of sundry business men of the fourth congressional district of Kansas, favoring the passage of legislation compelling concerns selling goods direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Petition of sundry caviar merchants of New York, N. Y., favoring the placing of caviar on a specific-duty basis; to the Committee on Ways and Means.

By Mr. GRAHAM of Pennsylvania: Petition of the Manila Merchants' Association, Manila, P. I., favoring the passage of legislation providing for the establishment of a direct steamship line between the Pacific coast ports and Manila; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Washington Council, No. 1, Junior Order United American Mechanics, Germantown, Philadelphia, favoring the passage of legislation making an appropriation for the building of three new battleships per year; to the Committee on Naval Affairs.

By Mr. ROGERS: Petition of sundry citizens of Woburn, Mass., favoring the passage of legislation providing for the closing of the Panama Exposition on Sundays; to the Committee on Industrial Arts and Expositions.

By Mr. STEPHENS of California: Petition of Laura Ginn, Los Angeles, Cal., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. YOUNG of North Dakota: Petition of John C. Thoreson and other merchants, of the second congressional district of North Dakota, favoring the passage of legislation compelling concerns selling goods direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.